

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF DECEMBER 23, 2005

(Published December 31, 2005, in *Finance and Commerce*)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

December 23, 2005 – 10:58 a.m.

Council President Ostrow in the Chair.

Present - Council Members Niziolek, Benson, Goodman, Hodges, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Ostrow.

Absent - Samuels.

Lilligren moved adoption of the agenda. Seconded.

Ostrow moved to amend the agenda to add additional motions by Johnson Lee relating to extension of land use permit applications and by Johnson relating to automobile allowance. Seconded.

Adopted upon a voice vote.

The agenda, as amended, was adopted upon a voice vote 12/23/05.

Absent – Samuels.

Lilligren moved acceptance of the minutes of the regular meeting held December 2, 2005 and the adjourned sessions of December 2, December 12, and December 19, 2005. Seconded.

Adopted upon a voice vote 12/23/05.

Absent – Samuels.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 12/23/05.

Absent – Samuels.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270855)

Historic Theatre Group (re Hennepin Stages, 824 Hennepin Ave): Extension of Management & Operating Agreement.

2005 Affordable Housing Trust Fund Recommendations.

Metropolitan Council's Hiawatha Corridor Land Assembly Fund Program Proposals.

Grain Belt Housing Project: Authorize amendment to redevelopment contract with Sheridan Development Company LLC for time extension.

Riverfront East Parcel (bounded by W River Pkwy, 11th Ave S, 2nd St S & vacated 10th Ave S): Authorize request for proposals for development; Authorize extension of parking agreement with Rio Bravo, LLC.

Affordable Ownership Housing Program Funding Recommendations.

2006-2010 Business Plan.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270856)

Land Sales: 811 Lowry Ave N; 2714-14th Ave S.

2006 Single-Family Housing Program.

2005 Revenue Bond Entitlement Carry-forward.

Year-end Delinquency Report for 2% Small Business Loan Program: Charge-off of loan made to Big E's Soul Food, Inc.

Karamu West Development Site (2201, 2215 Plymouth & 1245 Penn Ave N): Second extension of MN Department of Employment & Economic Development Contaminatin Cleanup Grant.

Central Avenue Lofts (2338 Central Ave NE): Project analysis authorization.

Tax-Forfeited Properties: Amendment No. 2 to Memorandum of Understanding between Hennepin County & the City of Mpls.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270857)

Rose Bee Tow Boat: Authorize sell or otherwise dispose of City-owned boat.

West Broadway Bus Rapid Transit Stations: Autorize agreement between City & Metropolitan Council to reflect receipt of grant for planning efforts.

Upper Harbor Terminal Operating Agreement & 2006 Operating Budget: Authorize amendment to agreement removing City overhead & staff costs as contractual obligations; Approve budget.

Nicollet Hotel Block Grant: Authorize grant extension agreement for Livable Communities Grant.

2006 Tax-Exempt Revenue Bonds: Authorize staff to take actions throughout 2006 to utilize for industrial/manufacturing projects.

Mpls Consortium of Community Developers: Authorize allocation of funds to extend partnership on small business loan programs for 2006.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (270858)

NRP Phase II Neighborhood Action Plans: Harrison; Standish Ericsson; & Linden Hills Plans.

NRP 2006 Administrative Budget.

NRP Administrative Contingency Fund: Approve use funds to become part of Allina jobs relocation pool.

HEALTH AND HUMAN SERVICES (See Rep):

CIVIL RIGHTS (270859)

Joint Central Certification Process: Execute Joint Powers Agreement with City of St. Paul and Hennepin and Ramsey Counties to continue certification process through December 31, 2010 for small, women-owned and minority-owned businesses.

HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (270860)

Health Education, Communications and Emergency Preparedness Training/Exercises: Approve 2006-08 Eligible Contractors List; and Execute contracts.

INSPECTIONS DEPARTMENT (270861)

Lead Safe Housing: Accept \$10,000 and execute agreement with Minnesota Department of Health to support temporary removal and relocation of affected children and families to lead-safe properties; and Approve Appropriation.

INTERGOVERNMENTAL RELATIONS:

COUNCIL MEMBER BENSON (270862)

Ibaraki, Japan: Overview of Mpls Delegation trip of Nov, 2005.

PUBLIC SAFETY AND REGULATORY SERVICES:

REGULATORY SERVICES (270863)

Butter (3544 Grand Av S): Consider adverse action regarding renewal of Food Distributor, Food Manufacturer and Sidewalk Café Licenses.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

ATTORNEY (270864)

Disorderly Use: Ordinance amending Title 12, Chapter 244 of Code relating to Housing: Maintenance Code, amending Section 244.2020 entitled Conduct on licensed premises by extending the time period for which notice of a disorderly use may be sent; and requiring that the licensee or the listed agent/contact person for the licensee successfully complete a property owner's workshop.

ATTORNEY (270865)

Noisy and Unruly Assembly:

a. Ordinance amending Title 15, Chapter 389 of Code relating to Offenses—Miscellaneous: Noise, defining noisy and unruly assemblies; providing for administrative, civil and criminal enforcement of violations related to noisy and unruly assemblies and for the recovery of subsequent enforcement and response costs; and establishing a notification system applicable to noisy and unruly assemblies;

b. Resolution approving the adoption of scheduled civil fines for administrative violations of Section 389.65(c)(1) relating to noisy or unruly assemblies; and

c. Ordinance amending provisions related to the schedule of civil fines to allow for the adopted fine schedule to include as a separate part of any specified civil fine a charge for actual costs of enforcement or emergency response directly related to the administrative violation, with attachments.

INSPECTIONS DEPARTMENT (270866)

Temporary Housing Permits: Ordinance amending Title 12, Chapter 244 of Code relating to Housing: Maintenance Code, revising the existing authority and procedures for issuance of temporary housing permits.

Chapter 249 Property at 4247 Emerson Av N: Authorize demolition of property.

LICENSES AND CONSUMER SERVICES (270867)

4-You Food Market (2326 Lyndale Av N): Grant application for Grocery, Food Manufacturing and Tobacco Licenses, subject to conditions.

Bean Scene (2220 W Broadway): Grant On-Sale Wine Class A with Strong Beer License, subject to prohibiting Adult Entertainment (new business).

Pizza Nea (1221 W Lake St): Grant On-Sale Liquor Class E with Sunday Sales License, subject to conditions.

The Quest (110 N 5th St): Grant renewal application for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

Licenses: Applications.

POLICE DEPARTMENT (270868)

Administrative Fines for Large Venues and Special Events: Amend Resolution 2004R-367 to include fine schedule for large venues and special events; and for withholding of pertinent information on liquor applications.

Forensic Interview Services: Execute contract with CornerHouse Interagency Child Abuse Evaluation and Training Center for interview services for children and vulnerable adults who are victims of crime.

REGULATORY SERVICES (270869)

Courtesy Bench Licenses: Approve directions to staff regarding license applications.

Condominium Conversions: Ordinances amending Title 12 of Code relating to Housing, requiring a Truth in Housing disclosure report for condominiums or first time condominium conversions; extending the validity of the Truth in Housing report from one to two years for one sale or one owner; and increasing fees for testing and licensing.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

FIRE DEPARTMENT (270870)

Homeland Security Grant Funding: Execute Joint Powers Agreement for Metropolitan Region Homeland Security Emergency Management to administer grant funds among involved cities and counties to prepare for and respond to natural and man-made disasters, including terrorism; and Designate Mayor as City's representative on Governing Board.

Fire Department Take Home Vehicles: Request to authorize 14 marked, take home vehicles, with up to 8 for Fire Inspection Coordinator positions for employees who are City residents.

POLICE DEPARTMENT (270871)

Safe & Sober Grant: Accept \$30,000 grant award and execute agreement with Minnesota Department of Public Safety for overtime to Traffic Unit officers to increase enforcement targeting impaired drivers, juvenile and young adult violators, speed violations and other enforcement; and Approve appropriation.

MPD Equipment Donation: Accept utility trailer from Rosen's Tavern, valued at \$7,000, for transporting Police Department equipment, as needed.

Speed Limit Enforcement Grant: Accept \$3,000 grant and execute agreement with Minnesota Department of Public Safety to reimburse overtime costs to officers for increased enforcement targeting speed violations; and Approve appropriation.

2005 Edward Byrne Memorial Justice Assistance Grant: Accept \$500,759 grant over three years to operate through Hennepin County for City Attorney's Office to respond to misdemeanor violations and citations made by the Police Department's Community Response Teams and Codefor; and Approve appropriation.

Homeland Security Grant Funding: Execute Joint Powers Agreement for Metropolitan Region Homeland Security Emergency Management to administer grant funds among involved cities and counties to prepare for and respond to natural and man-made disasters, including terrorism; and Designate Mayor as City's representative on Governing Board.

PURCHASING (270872)

Bid for USAR Fire Gear: OP #6527, accept bid of Total Fire Group/Morning Pride Manufacturing to furnish and deliver fire gear.

REGULATORY SERVICES (270873)

Pet Adoption Program: Accept donation of \$12,000 from estate of Stamatina Arbelia to assist Animal Control with Pet Adoption Program; and Approve appropriation to be used specifically for pet adoption purposes.

RULES (See Rep):

ATTORNEY (270874)

City Council Rules: Amend Rules to change name of "Health & Human Services" Committee to "Health, Energy & Environment" Committee.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (270875)

Stormwater Utility Status Update: Receive and file report.

XCEL ENERGY/NSP (270876)

Utility Pole: Install one (1) 45'4 pole in the alley at 5014 Emerson Av N for new houses on 50th Av N, Design #1365868.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (270877)

Easement at 3010 4th Av S: Accept easement and authorize execution of appropriate documents.

2006 Uniform Assessment Rates: Establish 2006 Uniform Assessment Rates for street construction and renovation.

Lowry Av N Reconstruction Project No 2259 (3rd St N to Girard Av N): a) Resolution designating location, streets, and improvements proposed; b) Receive cost estimate and list of benefited properties and direct City Engineer to prepare proposed Street Reconstruction Special Improvement Assessment against benefited properties; and c) Set public hearing for January 31, 2006.

Public Works Asphalt Plant: a) Decline alternate proposal for long-term procurement agreement; b) Procure future hot mix asphalt from private producers through bid process in 2006 and 2007; and c) Direct staff to return to Committee with an Alternatives Analysis prior to the planning process for the Hiawatha Yard site.

PUBLIC WORKS AND ENGINEERING (270878)

U of M On-Campus Football Stadium: Approve final Environmental Impact Statement (EIS) comments.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (270879)

City-Owned Land Inventory Project: Resolution increasing appropriation by \$100,000.

Property Acquisition: Acquire portion of property located at 601 25th Av SE for the purpose of stormwater management facilities.

Bids: Accept a) OP #6521, responsive bid of Custom Product and Service to provide snow removal and sidewalk maintenance in Central Av and Uptown Special Service Districts; b) OP #6524, bid of Checkpoint Welding and Fabrication, Inc. to furnish and deliver welding and fabricating services through December 2006; and c) OP #6534, low bid of Thomas & Sons Construction, Inc. to accomplish the construction of the Loring Bikeway Trail.

WAYS AND MEANS BUDGET:

ATTORNEY (270880)

LegalEdge - Case Management System: Receive and file.

COORDINATOR (270881)

2005 Charitable Campaign: Receive and file the final report that outlines the results of the campaign.

HUMAN RESOURCES (270882)

Statements of Economic Interest: Receive & file updated list of positions subject to the filing requirement to the City Council.

PURCHASING (270883)

Staff Purchasing Letters: Receive and File.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (270884)

Legal Settlements: Donald Ray Williams.

Time Warner Cable Franchise Violation: Approve partial settlement in the amount of \$7,500; Authorize Attorney's Office or law firm Bradley & Guzzetta, LLC to execute any documents necessary to effectuate this partial settlement.

Victim/Witness Services: Authorize execution of contract with the Council on Crime and Justice to provide victim/witness services (January 1, 2006 to December 31, 2007).

BUSINESS INFORMATION SERVICES (BIS) (270885)

City Assets: Approve re-appropriation (\$10,000) from Baker Resources for purchase of two UPS Systems from Business Information Services.

Senior Applications Analyst - (System Integrator VI) Position: Authorize hire of Mr. Ed Kepler at step 4, for the position of System Integrator VI in the Attorney's System Application Support Division.

Senior Applications Analyst (System Integrator VI) Position: Authorize hire of Mr. Chris Burow at step 6, for the position of System Integrator VI in the Police System Application Support Division.

CITY CLERK (270886)

Council Office Procedures: Approve the following policies and procedures a) Revised guidelines for Council Committee Meetings; b) 2006 Council Ward Budget Guidelines; c) Professional Development Policy for Council Members and Staff; and d) Furnishing Standards for Council Offices.

Voting Equipment - Lease Agreement: Authorize: a) termination of the agreement relating to the lease of voting equipment approved by the City Council on May 5, 2000; b) execution of a new Lease Agreement between the City of Minneapolis and Hennepin County for existing voting equipment and new voting equipment as required by the federal Help America Vote Act of 2002 and state statutes; and c) recommend that the county execute a maintenance agreement with the vendor for existing equipment and the new ballot marking voting equipment.

COMMUNICATIONS (270887)

Utility Bill Insert: Second January 2006 insert on behalf of the Utility Bill Division informing residents about the 2006 Utility Billing rates.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270888)

Empowerment Zone Governance Board Appointments: a) approving the recommended re-appointment of Arlene El-Amin and the appointment of Alicia Phillips replacing Lee Antel to the board, for 3-year terms expiring September 20, 2008; and b) Authorize the reopening of the process for a resident youth representative.

COORDINATOR (270889)

New Central Library Project - Change Orders: Approve Change Order No. 10 increasing Contract Number C-20481 with PCL Construction Services, Inc.

New Central Library Project: Amendment #3 increasing construction manage contract with Mortenson/Thor.

FINANCE DEPARTMENT (270890)

Property Insurance for the Minneapolis Convention Center: a) Authorize City's Finance Officer to review options for 2006 coverage; b) Accept insurance quote of \$316,861 by XL Insurance (plus the Minneapolis surcharge) for 2006 coverage for the Convention Center facilities (including the Talmadge Building and parking ramp); and c) accept quote for additional terrorism coverage.

Third Quarter 2005 Gift Acceptance: Approve 3rd quarter list of donations valued under \$1,000.

HUMAN RESOURCES (270891)

Mayor & Council Salary Adjustments: Resolutions setting the salary schedule and Car Allowance for the Mayor and the Council for the coming term 2006 - 2009.

International Alliance of Theatrical State Employees (IATSE), Local #13: Execute 2-year collective bargaining labor agreement.

Minneapolis Building and Construction Trades Council, AFL-CIO: Execute 3-year collective bargaining labor agreement.

International Union of Operating Engineers, Local #70: Execute 2-year collective bargaining labor agreement.

2006 Salary Adjustment for Appointed and Non-represented Employees: Approve salary adjustments a) Appointed employees (including Political Appointees) by 1.40% across the board, effective January 1, 2006, or the beginning of the payroll period nearest January 1, 2006. Allow step movement as defined by Appointed Pay Plan; and b) Non-represented employees by 1.46% to top step only, effective January 1, 2006, or the beginning of the payroll period nearest January 1, 2006. Allow step movement as defined by non-represented pay plan.

Director Operations, Licensing and Environmental Services: Approve classification of position (grade 15), effective November 1, 2005; Adopt salary Ordinance.

HUMAN RESOURCES (270891.1)

Controller: Approve classification of position (grade 14), effective January 1, 2004; Adopt salary Ordinance.

Communications Director: Approve reclassification of position (grade 13), effective July 1, 2003; Adopt salary Ordinance.

Short-Term Disability Insurance Group Application: Authorize amendment to the group short-term disability insurance through ING/ReliaStar Life Insurance Company for eligible employees, effective January 1, 2006.

Deferred Compensation Plan Amendment: Authorize amendments to the City of Minneapolis Deferred Compensation Plan to incorporate, among other things, IRS issued Model Amendments and recent developments in the laws applicable to the Plan.

Health Reimbursement Arrangement Plan and VEBA Investment: Authorize a) Amendments and restatement of the City of Minneapolis Health Reimbursement Arrangement Plan relating to death benefit changes; b) Updates and re-execution of the City of Minneapolis Health Reimbursement Arrangement Trust; and c) Creation of a committee of labor and management, the VEBA Investment Committee.

New Position of Assistant City Coordinator, Convention Center: Approve reclassification of position from previous title of Executive Director, Convention Center with no change in points or salary.

Application Fee for Firefighter Cadet: Approve the application fee in the amount of \$20 for all applications submitted for the position of Firefighter Cadet.

PUBLIC WORKS AND ENGINEERING (270892)

EPA Grant Funds: Authorize a) Public Works Department to accept an award of \$723,200 from the Environmental Protection Agency (EPA); b) Execution of contract for the Combined Sewer Overflow Project with the EPA; c) Passage of Resolution amending the 2005 Capital Improvement Appropriation Resolution increasing the appropriation for the Public Works – Sewer Construction Agency by \$723,200; and d) Passage of Resolution amending the 2005 General Appropriation Resolution increasing the appropriation for to the Public Works – Sewer Construction Agency by \$723,320.

ZONING AND PLANNING:

INSPECTIONS/BOARD OF ADJUSTMENT (270893)

Appeals:

Corey Ramsey (1221 E 35th St): Variance appeal for fence height withdrawn.

ZONING AND PLANNING (See Rep):

ATTORNEY (270894)

Lawsuit Settlement: City of Mpls v. Clearwater Products, Inc dba BJ's Lounge, 229 W Broadway.

HERITAGE PRESERVATION COMMISSION (270895)

Appeals:

Gateway Commons, LLC (re City of Lakes Condominium Development-Fusion Flats, 110 E 18th St):

a) Certificate of Appropriateness (COA) for demolition of Janney Building; b) COA for construction of 23-story tower.

Anderson & Lisa Mitchell (2705-3rd St N): COA for rehabilitation of home & condition of no second floor porch addition & third floor deck.

INSPECTIONS/BOARD OF ADJUSTMENT (270896)

Appeal:

Janet Lederle, on behalf of Susan & Darrel Schaffer (500 Prospect Ave): Re variance for two-story addition.

MAYOR (270897)

Mpls Arts Commission: Mayor and Council appointments of Trish Brock, Beth St John Kehoe, Wendy Knox, Chris Koelfgen, Lani Willis, Sun Yung Shin, Robert Marbury, David Salmela, Kathleen Welch, Ben Heywood.

PLANNING COMMISSION/DEPARTMENT (270898)

Appeals:

Swervo Development Corporation (618 Washington Ave N): Re Conditional use permit for 53 dwelling units & site plan review; Tower Lofts, LLC (re Swervo Development Corporation Project, 618 Washington Ave N): Re Conditional use permit for increasing in height (See Swervo Development Corp report).

KK-Five Corporation (re Hiawatha Flats, 3601&3609 E 43rd St & 4360 Snelling Ave S): Re Conditional use permit for planned residential development & site plan review.

Rezoning:

Swervo Development Corporation (618 Washington Ave N); KK-Five Corporation (3601 & 3609 E 43rd St); Michael Johnson & Greg Jansma (800-16th Ave SE).

Vacations:

1805 E Hennepin LLC (vicinity of Stinson Blvd & E Hennepin Ave);

Lars Olson (2066 St Anthony Pkwy);

Augsburg College (vicinity of 709-23rd Ave S).

PLANNING COMMISSION/DEPARTMENT (270899)

Midtown Phillips/East Phillips Boundary Change: Establishing each as separate neighborhoods.

Zoning Code Text Amendment:

Ordinance amending Title 20, Chapter 535 to clarify language for obstructions in required yards.

Zoning Board of Adjustment: Appointment of Marissa Lasky.

1010 Park Ave Project: Findings of Fact & Record of Decision Document for Environmental Assessment Worksheet for mixed-use development.

DeLaSalle Athletic Field Project (One DeLaSalle Dr on Nicollet Island): Findings of Fact & Record of Decision Document for Environmental Assessment Worksheet for football field addition.

PLANNING COMMISSION:

Edward J Bock III (270900)

Proposal to vacate alley between Drew and Ewing Avenues S, south of W 42nd St for private property use. Lots 1 through 34, Block 3, Waveland Park.

MOTIONS (See Rep):

PLANNING COMMISSION/DEPARTMENT (270901)

Midtown Mpls Land Use & Development Plan.

Regents of the University of Minnesota Vacation Resolution 2005R-337: Request for correction to legal description.

POLICE DEPARTMENT (270902)

Metro Gang Strike Force: Execute Joint Powers Agreement to receive approximately \$320,000 in reimbursements through the State of Minnesota to fund one lieutenant, one sergeant and up to five police officers to serve on Strike Force; and appropriate funds.

The following reports were signed by Mayor Rybak on December 23, 2005. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing sale of the property at 811 Lowry Ave N to the County of Hennepin for \$50,000, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval;
- 2) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the Director of the Department of Community Planning & Economic Development.

Adopted 12/23/05.

Absent – Samuels.

Resolution 2005R-667, authorizing sale of land at 811 Lowry Ave N in the Hawthorne Neighborhood Revitalization Program (Disposition Parcel No. HAW 5-3), was adopted 12/23/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-667
By Goodman

Authorizing sale of land in the Hawthorne Neighborhood Revitalization Program Disposition Parcel No. HAW 5-3 (811 Lowry Avenue North).

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel HAW 5-3, in the Hawthorne neighborhood, from County of Hennepin, hereinafter known as the Redeveloper, the Parcel HAW 5-3, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description: Lot 3, Block 8 and Lot 4, except the Westerly 4 feet thereof, Block 8, The Oakland Addition to Minneapolis (811 Lowry Avenue North); and

Whereas, the Redeveloper has offered to pay the sum of \$50,000, for Parcel HAW 5-3 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on December 2, 2005, a public hearing on the proposed sale was duly held on December 13, 2005, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Hawthorne NRP plan, as amended, is hereby estimated to be the sum of \$50,000 for Parcel HAW 5-3.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 12/23/05.

Absent – Samuels.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing sale of the property at 2714 – 14th Ave S to the Minneapolis Public Housing Authority for \$1, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval;
- 2) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the Director of the Department of Community Planning & Economic Development.

Adopted 12/23/05.

Absent – Samuels.

Resolution 2005R-668, authorizing sale of Disposition Model City Urban Renewal Project Parcel No. MC 206-28B (2714 – 14th Ave S), was adopted 12/23/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-668

By Goodman

Authorizing sale of land Disposition Model City Urban Renewal Project Parcel No. MC 206-28B (2714 – 14th Avenue South).

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase the Disposition Parcel MC 206-28B, in the Phillips neighborhood, from Minneapolis Public Housing Authority (MPHA), hereinafter known as the Purchaser, the Parcel MC 206-28B, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description: Lot 6, Slafter's Rearrangement of Block 4, Wrights Addition to Minneapolis except the South 1/2 thereof; Registered land as is evidenced by Certificate of Title No. 1142734 (2714 – 14th Avenue South); and

Whereas, the Purchaser has offered to pay the sum of \$1.00, for Parcel MC 206-28B, to the City for the land; and

Whereas, the Purchaser has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, on March 11, 2005, City Council approved the waiving of the Planning Commission's review of certain real estate transactions (including sideyard dispositions) that have no relationship to Comprehensive Plan; and

Whereas, the City has determined the offer of \$1.00 to purchase the Parcel to be reasonable; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the City's accepted methods in determining a re-use value for the Parcel; and

Whereas, the City's Real Estate Disposition Policy provided in Section 2.2.13 for the sale of land for sideyard; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on December 2, 2005, a public hearing on said proposal and proposed sale and the provisions thereof, was duly held on December 13, 2005, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for the MC 206-28B is hereby estimated to be the sum of \$1.00.

Be It Further Resolved that the acceptance of the offer and Purchaser's proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Purchaser possesses the qualifications and financial resources necessary to acquire and maintain the Parcel in accordance with the contract for the sale of land.

Be It Further Resolved that the offer is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver the contract to the Purchaser; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Purchaser in accordance with the provisions of the executed contract and upon payment to the City of the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 12/23/05.

Absent – Samuels.

Comm Dev – Your Committee, having under consideration the Single-Family Housing Program which permits issuance of mortgage revenue bonds in support of the City's various single-family mortgage or housing programs, now recommends passage of the accompanying resolution approving the 2006 Single-Family Housing Finance Program.

Adopted 12/23/05.

Absent – Samuels.

Resolution 2005R-669, approving a Single Family Housing Finance Program to be financed by the issuance of Single Family Mortgage Revenue bonds, was adopted 12/23/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-669

By Goodman

Approving a Single Family Housing Finance Program to be financed by the issuance of Single Family Mortgage Revenue bonds.

Whereas, pursuant to the Minnesota Municipal Housing Act, Minnesota Statutes, Chapter 462C (the "Housing Act"), the City of Minneapolis, Minnesota (the "City") is authorized to carry out programs for the financing of single family housing for persons of low and moderate income; and

Whereas, the Minneapolis/Saint Paul Housing Finance Board (the "Board"), a joint powers board organized under a Joint Powers Agreement (the "Joint Powers Agreement") originally dated as of December 1, 1984, and as subsequently amended, by and between the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota (the "Authority") and the City and accepted by the City of Saint Paul, Minnesota ("Saint Paul"), and under the laws of the State of Minnesota, proposes to undertake a single family housing finance program relating to the Minneapolis and the Saint Paul entitlement allocations and certain refunding bonds (the "Program"), to be financed by the issuance of one or more series of mortgage revenue obligations and mortgage revenue refunding obligations pursuant to Minnesota Statutes, Sections 469.001 to 469.047, Chapters 462A, 462C and 474A and Section 471.59 (together with applicable predecessor provisions of state law, the "Act"); and

Whereas, pursuant to the Act, the Board is authorized to issue bonds from time to time and to use the proceeds of its bonds to make or purchase mortgage loans or to purchase participations in mortgage loans from lending institutions in order to finance the construction and rehabilitation, and to facilitate the purchase and sale, of single family housing for eligible persons or families under the Act and to issue bonds to refund previously issued bonds; and

Whereas, the Program will provide below market interest rate mortgage loan financing or income tax credits primarily to persons of low or moderate income purchasing single family homes to be used as their principal places of residence and located within the geographic limits of the City or Saint Paul; and

Whereas, the Act requires adoption of the Program after a public hearing held thereon following publication of notice in a newspaper of general circulation in the City and Saint Paul at least fifteen days in advance of the hearing; and

Whereas, the Community Development Committee of the City Council on December 13, 2005 conducted a public hearing on the Program after publication of notice as required by the Act; and

Whereas, the Program was submitted to the Metropolitan Council at or before the time of publication of notice of the public hearing thereon, and the Metropolitan Council was afforded an opportunity to present comments at the public hearing, all as required by the Act; and

Whereas, the Program provides for the issuance of single family mortgage revenue bonds or revenue refunding bonds in one or more series pursuant to the Act (the "Bonds") to make or purchase or cause to be made or purchased mortgage loans, or to purchase securities the proceeds of which would be used to purchase mortgage loans to finance the acquisition, primarily by low and moderate income persons and families, of single family housing located within the geographic boundaries of the City or Saint Paul; and

Whereas, it is proposed that the Program be approved and the Board be authorized to issue Bonds pursuant to the Program and the Joint Powers Agreement; and

Whereas, the Program and the issuance of Bonds by the Board are in the best interests of the City;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

The Program is hereby approved in its entirety in substantially the form on file with the City. The officers of the City and the Board are authorized to take all actions as may be necessary or appropriate to carry out the Program in accordance with the Act and any other applicable laws and regulations.

Be It Further Resolved that the issuance of the Bonds to finance the Program is hereby finally approved subject to agreement by the Board and the purchasers of the Bonds, if any.

Be It Further Resolved that the Bonds may be issued in one or more series at the time or times and pursuant to terms determined by the Board, and be structured so as to take advantage of whatever means are available and are permitted by law to enhance the security for, or marketability of, the Bonds, provided that any such financing structure must be approved by the Board. All such determinations by the Board must comply with the applicable provisions of the Act and the Internal Revenue Code, of 1986, as amended, and regulations promulgated thereunder.

Be It Further Resolved that the Board is authorized to take all actions which may be necessary or desirable in connection with the issuance of the Bonds, and no further approval or consent of the City shall be required prior to the issuance of the Bonds by the Board, or prior to the taking of any action by the Board to undertake and implement the Program.

Be It Further Resolved that nothing in this Resolution or the documents prepared pursuant hereto shall authorize the expenditure of any municipal funds on the Program other than as specified and authorized by separate actions of the City and other than the revenues derived from the Program or otherwise granted to the City for such purpose. The Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property or funds of the City except the revenues and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holders of the Bonds shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal on the Bonds or the interest thereon, or to enforce payment against any property of the City. The Bonds shall recite in substance that the principal and interest thereon are payable solely from the revenues and proceeds pledged to the payment thereof. The Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation of indebtedness.

Be It Further Resolved that any one or more series of Bonds (to the extent authorized by law) may be issued by the City in lieu of issuance by the Board, at the discretion of the City.

Adopted 12/23/05.

Absent – Samuels.

Comm Dev – Your Committee, having under consideration the entitlement allocation of tax-exempt revenue bonds that are used to support single-family and multi-family housing programs, now recommends approval of the carry-forward request of the Department of Community Planning & Economic Development, allowing \$16 million of any unused 2005 entitlement to be carried forward for single-family purposes, and the remaining entitlement to be carried forward for multi-family programs.

Your Committee further recommends passage of the accompanying resolution authorizing carry-forward of unused private activity bond volume cap.

Adopted 12/23/05.

Absent – Samuels.

Resolution 2005R-670, authorizing the carry-forward of funds for qualified mortgage bonds and the remainder of any part of its 2005 entitlement allocation which remains unused at the end of 2005 for the purpose of qualified residential rental bonds, was adopted 12/23/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-670

By Goodman

Authorizing carry-forward of unused private activity bond volume cap.

Whereas, the City of Minneapolis, Minnesota (the “City”) is an “entitlement issuer” within the meaning of Minnesota Statutes, Section 474A.02, subd. 7; and

Whereas, the City’s entitlement allocation for 2005 under Minnesota Statutes, Chapter 474A.03, subd. 2a is \$36,709,000; and

Whereas, the City expects to or has issued bonds attributable to such allocation in the amount of \$5,000,000; and

Whereas, the City expects to have unused entitlement allocation for 2005 in the amount of \$31,709,000; and

Whereas, the City may, under § 146(f) of the Internal Revenue Code of 1986, as amended, and under Minnesota Statutes, Chapter 474A, “carry-forward” all or a portion of the City’s unused entitlement allocation for the year 2005; and

Whereas, it is in the best interest of the public health, safety and welfare that the City carry-forward for qualified carry-forward purposes any 2005 entitlement allocation remaining unused on December 31, 2005;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City hereby elects to carry-forward \$16,000,000 for qualified mortgage bonds and the remainder of any part of its 2005 entitlement allocation which remains unused at the end of 2005 for the purpose of qualified residential rental bonds.

Be It Further Resolved that the Director of the Department of Community Planning and Economic Development is hereby authorized and directed to execute and cause to be filed with the Internal Revenue Service a Form 8328 specifying the amount of entitlement allocation to be carried forward as described above. The Form 8328 shall be filed with the Internal Revenue Service on or before February 15, 2006. The Director is further authorized to notify the Minnesota Department of Finance of such carry-forward at such time and as required by Minnesota Statutes, Chapter 474A.

Adopted 12/23/05.

Absent – Samuels.

Comm Dev – Your Committee, having under consideration the Year-end Delinquency Report for the 2% Small Business Loan Program (as of 10/31/05), now recommends that the proper City officers be authorized to charge-off the loan made to Big E’s Soul Food, Inc., and to receive and file other loan portfolio information.

Adopted 12/23/05.

Absent – Samuels.

Comm Dev – Your Committee, having under consideration the contamination cleanup grant agreement with the Minnesota Department of Employment and Economic Development (DEED) to remediate petroleum pollution on the Karamu West redevelopment site at 2201, 2215 and 1245 Penn Ave N, now recommends that the proper City officers be authorized to request and accept a Second Extension of a DEED Contamination Cleanup Grant for said project in the amount of \$262,500, and to execute the necessary agreements.

Adopted 12/23/05.

Absent – Samuels.

Comm Dev – Your Committee, having under consideration project analysis authorization for Central Avenue Lofts, a mixed-use, mixed-income redevelopment project for the southwest corner of Central and 24th Aves NE (2338 Central Ave NE), and the Community Planning & Economic Development (CPED) Department recommendations to: a) continue analysis of the Central Avenue Lofts development proposal, and tax increment financing (TIF) application; b) negotiate terms and conditions of a redevelopment contract with Central Avenue Lofts Limited Partnership with Sherman Associates, Inc. or an affiliated entity as the general partner; and c) prepare a redevelopment plan/modification and TIF plan for Central Avenue Lofts, subject to the final determination of project eligibility, required reviews, public input, notices and hearings, now recommends approval of said recommendations, with the exception of authorizing any additional analysis of tax increment on this site.

Ostrow moved to amend the report by deleting the language in recommendation “a” and inserting in lieu thereof the following language: “a) continue analysis of the Central Avenue Lofts development proposal. Staff is not authorized to further analyze blight, as a finding of blight is not being requested by the developer and the developer is limiting any request for tax increment assistance to a housing tax increment district.” Further, to delete all language that follows “approval of said recommendations.” Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 12/23/05.

Absent - Samuels.

Comm Dev – Your Committee, having under consideration the Memorandum of Understanding (MOU) with Hennepin County that relates to the procedure both bodies would follow for tax-forfeited properties, now recommends that the proper City officers be authorized to execute Amendment #2 to the MOU between the City of Minneapolis and Hennepin County to reflect terms outlined in Petn No 270856.

Adopted 12/23/05.

Absent – Samuels.

Comm Dev – Your Committee, having under consideration the management and operating agreement with Historic Theatre Group (HTG) for Hennepin Stages, 824 Hennepin Ave, now recommends that the Management and Operating Agreement with HTG be extended for one year, through December 31, 2006, with all existing terms and conditions remaining in effect.

Adopted 12/23/05.

Absent – Samuels.

Comm Dev – Your Committee, having under consideration the 2005 Affordable Housing Trust Fund (AHTF) recommendations, now recommends approval of up to \$1,374,500 in AHTF loans for the following proposals, and that the proper City officers be authorized to execute the necessary documents relative to the loans:

a) Up to \$294,500 for Kingsley Commons, 4550 Humboldt Ave N by CommonBond Communities or an affiliate of the Borrower established for the purpose of holding or owning real estate subject to the City loan;

b) Up to \$500,000 for LSS Park Avenue Apartments, 2414 Park Ave S, by Lutheran Social Services or an affiliate of the Borrower established for the purpose of holding or owning real estate subject to the City loan;

c) Up to \$200,000 for Saint Anne's Senior Housing, 2300 W Broadway, by St. Anne's Community Development Corporation or an affiliate of the Borrower established for the purpose of holding or owning real estate subject to the City loan.

Adopted 12/23/05.

Absent – Samuels.

Comm Dev – Your Committee, having under consideration the Metropolitan Council's Hiawatha Corridor Land Assembly Fund Program, now recommends:

a) Passage of the accompanying resolution authorizing submission of applications to the Metropolitan Council for Hiawatha Corridor land assembly fund proposals, as follows:

i) Fine Associates, for Currie Park Lofts and Station Place at the Cedar Riverside Light Rail Transit (LRT) station, in the amount of \$1,720,000;

ii) Seward Redesign, for the Franklin LRT Station Area Project, in the amount of \$800,000;

iii) City of Minneapolis/Department of Community Planning & Economic Development, for the Snelling Ave extension right-of-way and Town Square site at the 46th St LRT station, in the amount of \$750,000; and

iv) Capital Growth, for Longfellow station at the 38th St LRT station area, in the amount of \$1 million.

b) That the proper City officers be authorized to communicate the City ranking and funding priorities to the Metropolitan Council.

Adopted 12/23/05.

Absent – Samuels.

Approved by Mayor Rybak 12/23/05.

(Published 12/29/05).

Resolution 2005R-671, authorizing applications for Metropolitan Council Hiawatha Light Rail Transit Land Assembly Fund, was adopted 12/23/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-671

By Goodman

Authorizing applications for Hiawatha Light Rail Transit Land Assembly Funds.

Whereas, the City of Minneapolis has identified proposed projects within the City that meet the Hiawatha Light Rail Transit (LRT) Land Assembly Fund's purposes and criteria and are consistent with and promote the purposes of the Metropolitan Council's adopted metropolitan development guide; and

Whereas, the City has the institutional, managerial and financial capability to ensure adequate project administration; and

Whereas, the City certifies that it will comply or cause the project developers to comply with all applicable laws and regulations as stated in individual grant agreements; and

Whereas, the City agrees to act as the sponsor for the projects contained in grant applications to be submitted on December 30, 2005; and

Whereas, the City acknowledges Hiawatha LRT Land Assembly Fund grants are intended to provide funds for land assembly to create opportunities for compact, mixed use, pedestrian and transit-oriented developments (TOD's) within a walk of Hiawatha LRT stations that will result in increased use of transit and other alternatives to the automobile; and

Whereas, only a limited amount of grant funding is available through the Metropolitan Council's Hiawatha LRT Land Assembly Fund, and the Metropolitan Council has determined it is appropriate to allocate those scarce grant funds only to eligible projects that would not occur "but for" the availability of Land Assembly grant funding;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That after examination and due consideration of the project information submitted and available to the City to date, the governing body of the City:

1. Finds that it is in the interest of the City's development goals and priorities for the proposed projects to occur at this particular time.

2. Finds that the projects for which Hiawatha LRT Land Assembly Funding are sought:

(a) Will not likely occur solely through private or other public investment within the reasonably foreseeable future; and

(b) Will not likely occur within two years after the grant awards unless Hiawatha Land Assembly Funding is made available for these projects at this time.

3. Authorizes the following applicants to submit on behalf of the City applications in the amounts listed for the Metropolitan Council's Hiawatha LRT Land Assembly Funds to assemble properties identified in the applications, and authorizes City officers to execute such Hiawatha LRT Land Assembly funding agreements as may be necessary to implement the projects:

(a) Fine Associates, for Currie Park Lofts and Station Place at the Cedar Riverside LRT station, an application in the amount of \$1,720,000;

(b) Seward Redesign, for the Franklin LRT Station Area Project, an application in the amount of \$800,000;

(c) City of Minneapolis, working through its Department of Community Planning and Economic Development, for the Snelling Avenue extension r-o-w and Town Square site at the 46th Street LRT Station, an application in the amount of \$750,000; and

(d) Capital Growth, for Longfellow Station at the 38th Street LRT station area, an application in the amount of \$1,000,000.

Adopted 12/23/05.

Absent – Samuels.

Approved by Mayor Rybak 12/23/05.

Comm Dev - Your Committee, having under consideration the City's redevelopment contract with Sheridan Development Company LLC for the Grain Belt Housing Project, and having been advised of certain amendments needed for contract time extension as set forth in Petn No 270855, now recommends that the proper City officers be authorized as follows:

a) to extend of certain project deadlines by six months without further extension; and

b) to include additional Phase I performance dates as events of default subject to cure, and the expiration of the redevelopment contract if the event of default has not been cured as of the last day of the cure period.

Adopted 12/23/05.

Absent – Samuels.

Approved by Mayor Rybak 12/23/05.

(Published 12/29/05).

Comm Dev – Your Committee, having under consideration the City-owned property now known as the Riverfront East Parcel, bounded by W River Pkwy, 11th Ave S, 2nd St S and vacated 10th Ave S, now recommends:

a) That the proper City officers be authorized to distribute a request for proposals for development of the Riverfront East Parcel in generally the form contained in the Department of Community Planning & Economic Development staff report; and

b) That the proper City officers be authorized to enter into an amendment to the existing parking lot agreement with Rio Bravo, LLC for the East Parcel, retroactively to 12/1/05, in accordance with the terms outlined in the staff report.

Adopted 12/23/05.

Absent – Samuels.

Comm Dev – Your Committee, having under consideration the funding recommendations for the Affordable Ownership Housing Program (AOHP), now recommends:

a) Approval of the following development projects to receive Affordable Ownership Housing Program funding and SF HOME funds, up to the amounts indicated, with a total funding commitment of \$1,990,000:

1) \$284,528 for affordability gap to the “38” condominium project, 3804 Nicollet Ave S by the Lander Group. The City of Lakes Community Land Trust (CLCLT) will market and finance the affordable units and be the borrower for the AOHP affordability gap funds;

2) \$350,730 for construction and affordability gap to the Spirit of Lakes Cooperative project, 2930 - 13th Ave S and 1238 E Lake St, by the Powderhorn Residents Group;

3) \$400,000 for construction and affordability gap to the Stevens Square Cooperative project, 1920-25 – 3rd Ave S, by Plymouth Church Neighborhood Foundation;

4) \$125,000 to the Marshall Stacey Townhome project, 300 Queen Ave N by Central Community Housing Trust. The developer will contract with Twin Cities Habitat for Humanity to produce and market the affordable units;

5) \$300,000 for affordability gap to The Greenway at Midtown(Midtown Exchange liner housing), 2900 – 11th Ave S by Project for Pride in Living. The developer will contract with CLCLT to market and finance ten of the affordable units and will contract with Twin Cities Habitat for Humanity to construct and market two affordable units;

6) \$209,742 for construction gap to the Homebuyer Initiated Program by City of Lakes Community Land Trust for scattered Minneapolis locations;

7) \$100,000 to the Karamu West Condominium project, 2201 Plymouth Ave N by Northside Residents Redevelopment Council. The CLCLT will market and finance the affordable units and be the Borrower for the AOHP affordability gap funds;

8) \$180,000 to the Pokegama North project, 2111-19 - 14th Ave S by American Indian Community Development Corporation;

9) \$40,000 of SF HOME Funds to the Redeemer Center for Life Housing project, 1901-15 N 4th Ave by Project for Pride in Living;

b) Waiver of the maximum per unit subsidy unit limit for the Midtown Exchange Condominiums;

c) That the proper City officers be authorized to enter into related contractual agreements for the Nicollet Commons and Cedar Avenue Condominiums with the City of Lakes Community Land Trust; and

d) That the proper City officers be authorized to enter into related contractual agreements for these funds.

Adopted 12/23/05.

Absent – Samuels.

Comm Dev – Your Committee, having under consideration the Community Planning & Economic Development (CPED) Department 2006-2010 Business Plan, now recommends approval of said Plan, with the direction to staff to amend the Plan to include the goal that the CPED/Planning Division will be self-sufficient as pertains to regulatory functions within two years, and that progress shall be reported to the Council annually.

Adopted 12/23/05.

Absent – Samuels.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

Comm Dev & W&M/Budget – Your Committee recommends that the proper City officers be authorized to sell or otherwise dispose of the City-owned tow boat, the Rose Bee, and to execute appropriate amendments to the Upper Harbor Terminal Operating Agreement between the City and River Services Inc.

Your Committee further recommends passage of the accompanying resolution transferring \$13,000 from Fund SUR to Fund ERT to meet expenses associated with the boat.

Adopted 12/23/05.

Absent – Samuels.

RESOLUTION 2005R-672
By Goodman and Johnson

Amending the 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

a) Decreasing the Community Planning and Economic Development Agency in the SUR Fund by \$13,000; and

b) Increasing the Community Planning and Economic Development Agency in the ERT Fund by \$13,000.

Adopted 12/23/05.

Absent – Samuels.

Comm Dev & W&M/Budget – Your Committee, having under consideration a planning grant for enhancements to Bus Rapid Transit (BRT) stations along W Broadway, now recommends:

a) That the proper City officers be authorized to execute an interagency agreement by and between the City of Minneapolis and Metropolitan Council for the receipt of a \$30,000 grant for the use on a planning effort to develop concepts and an implementation plan for enhanced BRT stations along W Broadway;

b) Passage of the accompanying resolution increasing the Community Planning & Economic Development Department appropriation by \$30,000 to reflect receipt of said grant funds, and increasing the revenue budget.

Adopted 12/23/05.

Absent – Samuels.

RESOLUTION 2005R-673
By Goodman and Johnson

Amending the 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the State Grants & Loans Program Fund (SMN0-890-8933) by \$30,000 and increasing the revenue source (SMN0-890-8933) by \$30,000.

Adopted 12/23/05.

Absent – Samuels.

Comm Dev & W&M/Budget – Your Committee, having under consideration the operating agreement with River Services Inc for operation of the Upper Harbor River Terminal, now recommends:

a) That the proper City officers be authorized to amend the City's River Terminal Operating Agreement with River Services Inc to remove City overhead and staff costs as a contractual obligation of the Operator beginning in 2006;

b) That the Finance Officer be authorized to make appropriations in the Operating Fund in an amount necessary to cover City overhead and staff costs that may lead to a deficit in the River Terminal Fund; and

c) Approval of the River Terminal Operating Budget for 2006 as set forth in the staff report.

Adopted 12/23/05.

Absent – Samuels.

Comm Dev & W&M/Budget – Your Committee recommends that the proper City officers be authorized to take certain actions throughout 2006 in order to utilize tax-exempt revenue bond financing for various City industrial/manufacturing projects, as specifically set forth in Petn No 270857.

Adopted 12/23/05.

Absent – Samuels.

Comm Dev & W&M/Budget – Your Committee recommends that an allocation of \$135,000 be authorized to the Minneapolis Consortium of Community Developers to extend the partnership on small business loan programs for 2006.

Adopted 12/23/05.

Absent – Samuels.

Comm Dev & W&M/Budget – Your Committee, having under consideration the 2003 Metropolitan Council Predevelopment Grant for the Nicollet Hotel Block which expires on December 31, 2005, now recommends that the proper City officers be authorized to execute an amendment and extension of the Metropolitan Council Predevelopment Grant Program Grant Agreement for Livable Communities Grant SG003-138 to December 31, 2006.

Your Committee further recommends passage of the accompanying resolution correcting appropriations for the Nicollet Hotel Block Predevelopment grant.

Adopted 12/23/05.

Absent – Samuels.

RESOLUTION 2005R-674
By Goodman and Johnson

Amending the 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

a) Decreasing the appropriation for the Non-Departmental Agency in the Grants-Other Fund (0600-123-1232-5130) by \$537,150 and decreasing the revenue source (0600-123-1232-3215) by \$537,150.

b) Increasing the appropriation for the Community Planning and Economic Development Agency in Fund SMNO-State Grants (SMNO-890-8952) by \$337,150 and increasing the revenue source (SMNO-890-8490) by \$337,150.

Adopted 12/23/05.

Absent – Samuels.

Comm Dev & W&M/Budget - Your Committee, having under consideration the Harrison Neighborhood Revitalization Program (NRP) Phase II Neighborhood Action Plan, now recommends:

1) Approval of said action plan and specifically those parts of the Plan that fall under City jurisdiction, with the total cost of the Plan not to exceed \$846,641;

2) Passage of the accompanying resolution increasing the Community Planning and Economic Development Department appropriation by \$806,983.50 in the NRP fund for implementation of said Plan; and

3) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said Plan.

Adopted 12/23/05.

Absent – Samuels.

RESOLUTION 2005R-675
By Goodman and Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the NRP Program Fund (CNR0-890-3550) by \$806,983.50.

Adopted 12/23/05.

Absent – Samuels.

Comm Dev & W&M/Budget - Your Committee, having under consideration the Standish Ericsson Neighborhood Revitalization Program (NRP) Phase II Neighborhood Action Plan, now recommends:

1) Approval of said action plan and specifically those parts of the Plan that fall under City jurisdiction, with the total cost of the Plan not to exceed \$1,087,274;

2) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$1,000,551 in the NRP fund for implementation of said Plan; and

3) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said Plan.

Adopted 12/23/05.

Absent – Samuels.

RESOLUTION 2005R-676
By Goodman and Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the NRP Program Fund (CNR0-890-3550) by \$1,000,551.

Adopted 12/23/05.

Absent – Samuels.

Comm Dev & W&M/Budget - Your Committee, having under consideration the Linden Hills Neighborhood Revitalization Program (NRP) Phase II Neighborhood Action Plan, now recommends:

1) Approval of said action plan and specifically those parts of the Plan that fall under City jurisdiction, with the total cost of the Plan not to exceed \$530,161;

2) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$500,715.50 in the NRP fund for implementation of said Plan; and

3) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said Plan.

Adopted 12/23/05.

Absent – Samuels.

RESOLUTION 2005R-677
By Goodman and Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the NRP Program Fund (CNR0-890-3550) by \$500,715.50.

Adopted 12/23/05.

Absent – Samuels.

Comm Dev & W&M/Budget – Your Committee, having under consideration the 2006 Neighborhood Revitalization Program Administrative Budget, now recommends:

- a) Approval of the 2006 NRP Administrative Budget as set forth in the related staff report;
- 2) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$1,512,293 in the NRP fund and request that CPED immediately transfer \$1,512,293 to the NRP's City of Minneapolis Fund 230; and
- c) That the proper City officers be authorized to enter into any contracts or agreements needed to implement activities set forth in the administrative budget.

Adopted 12/23/05.

Absent – Samuels.

RESOLUTION 2005R-678
By Goodman and Johnson

Amending the 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the NRP Program Fund (CNR0-890-3550) by \$1,512,293.

Adopted 12/23/05.

Absent – Samuels.

Comm Dev & W&M/Budget – Your Committee, having under consideration the Neighborhood Revitalization Program (NRP) Administrative Contingency Fund, now recommends:

- 1) Approving the use of up to \$120,000 of NRP Phase II 1.5 million Administrative Contingency Fund allocated on March 22, 2004 for the Allina jobs relocation loan pool;
- 2) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$120,000 in the NRP fund; and
- 3) That the proper City officers be authorized to enter into any contracts or agreements needed to implement this request.

Adopted 12/23/05.

Absent – Samuels.

RESOLUTION 2005R-679
By Goodman and Johnson

Amending the 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the NRP Program Fund (CNR0-890-3550) by \$120,000.

Adopted 12/23/05.

Absent – Samuels.

The **HEALTH & HUMAN SERVICES** Committees submitted the following reports:

H&HS - Your Committee, having under consideration one City Council vacancy to the Civilian Police Review Authority, and having held a public hearing thereon, now recommends approval of the appointment of Justin Terrell, Ward 13, to fill the unexpired term of Russell Lane to expire December 31, 2007.

Adopted 12/23/05.

Absent - Samuels.

H&HS - Your Committee recommends that the proper City Officers be authorized to execute a Joint Powers Agreement with the City of St. Paul, Hennepin County and Ramsey County to provide for the continuation of the Joint Centralized Certification Process (CERT) for small, women-owned and minority-owned businesses. The City's share of the expenses are not to exceed \$11,520 per year over a four-year period, beginning January 1, 2006 through December 31, 2010.

Adopted 12/23/05.

Absent - Samuels.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

H&HS & W&M/Budget - Your Committee, having under consideration the provision of lead safe housing through the Healthy Homes and Lead Hazard Control Program, now recommends that the proper City Officers be authorized to accept \$10,000 and execute an agreement with the Minnesota Department of Health to provide funds for the temporary removal and relocation of affected children and families to lead-safe properties, and other costs associated with mandated lead hazard reduction activities. Further, passage of the accompanying resolution appropriating \$10,000 to Regulatory Services.

Adopted 12/23/05.

Absent - Samuels.

RESOLUTION 2005R-680
By Johnson Lee and Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Licenses & Consumer Services Agency in the Grants - Other Fund (060-835-8392) by \$10,000 and increasing the Revenue Source (060-835-8392 - Source 3215) by \$10,000.

Adopted 12/23/05.

Absent - Samuels.

H&HS & W&M/Budget - Your Committee, having under consideration the provision of services in the areas of health education, communications, and emergency preparedness training and exercise for the Department of Health & Family Support, and having received responses to a Request for Proposals process, now recommends approval of the following 2006-2008 Eligible Contractors List:

Health Education

<i>Agency/Consultant</i>	<i>Annual Dollar Amount Not to Exceed</i>
Barbara Greene	\$200,000
Lara Pratt Tiede	\$200,000
Minnesota Institute of Public Health	\$200,000
Summit Health Group	\$200,000

Communications

<i>Agency/Consultant</i>	<i>Annual Dollar Amount Not to Exceed</i>
Minnesota Institute of Public Health	\$200,000
Judy Hohmann	\$200,000
Himle Horner	\$200,000
Brun Winter Reese, Inc.	\$200,000
Bard Advertising	\$200,000

Emergency Preparedness Training and Exercises

<i>Agency/Consultant</i>	<i>Annual Dollar Amount Not to Exceed</i>
Nick of Time, LLC	\$150,000
Jennifer Schmitz	\$150,000
Public Health Consultants, LLC	\$150,000
Cindy Kallstrom	\$150,000

Further, that the proper City Officers be authorized to execute contracts with those agencies/consultants on said list, as needed, and not to exceed the annual amounts indicated for each contract.

Adopted 12/23/05.

Absent - Samuels.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following report:

IGR – Your Committee recommends that staff of the Department of Regulatory Services/Environmental Management Division and the Office of the Assessor be directed to report to the Health & Human Services (H&HS) and Intergovernmental Relations (IGR) Committees with a plan to implement the Lead Hazard Market Value Reduction program as established by Minnesota Statutes 2005, 273.11 Subd. 22. The plan shall include the steps necessary to implement the program, including:

1. Designating an agency to issue certificates of completion.
2. Establishing qualifying criteria for lead hazard reduction projects which will include:
 - a) A report by a licensed risk assessor or paint inspector showing lead present;
 - b) Work order or other documentation describing work completed;
 - c) Proof of cost of lead hazard reduction project;
 - d) Clearance report by licensed risk assessor clearance technician.
3. Creating a certification of completion.
4. Providing information to Minneapolis residents that this program is available.

It is further directed that staff present the plan of implementation to the H&HS and IGR Committees by January 24, 2006.

Adopted 12/23/05.

Absent – Samuels.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS - Your Committee, to whom was referred an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, amending Section 244.2020 entitled *Conduct on licensed premises* by extending the time period for which notice of a disorderly use may be sent; and requiring that the licensee or the listed agent/contact person for the licensee successfully complete a property owner's workshop, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 12/23/05.

Absent - Samuels.

Ordinance 2005-Or-142 amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, amending Section 244.2020 to extend the time period for which notice of a disorderly use may be sent; and requiring that the licensee or the listed agent/contact person for the licensee successfully complete a property owner's workshop, was adopted 12/23/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-142

By Zerby

Intro & 1st Reading: 11/4/05

Ref to: PS&RS

2nd Reading: 12/23/05

Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 244.2020 (d) and (f) of the above-entitled ordinance be amended to read as follows:

244.2020. Conduct on licensed premises.

(d) If another instance of disorderly use of the licensed premises occurs within ~~twelve (12)~~ eighteen (18) months, if the premises contains between one and six distinct and separate residential units, or within twelve (12) months, if the premises contains more than six distinct and separate residential units, of an incident for which a notice in subsection (c) was given, the responsible SAFE team shall notify the licensee by mail of the violation. The licensee shall submit a written management plan to the SAFE team within ten (10) days of receipt of the notice of disorderly use of the premises. The written management plan shall detail all actions taken by the licensee in response to all notices of disorderly use of the premises within the preceding twelve (12) months. The written management plan shall also detail all actions taken and proposed to be taken by the licensee to prevent further disorderly use of the premises. The notice provided to the licensee of the violation shall inform the licensee of the requirement of submitting a written management plan. That notice shall further inform the licensee that failure to submit a written management plan may result in the city council taking action to deny, refuse to renew, revoke, or suspend the license. The licensee or the listed agent/contact person for the licensee shall also successfully complete a property owner's workshop at the direction of and in accordance with a schedule set forth by the SAFE team. Any costs associated with that workshop will be the sole responsibility of the licensee.

(f) If another instance of disorderly use of the licensed premises occurs within ~~twelve (12)~~ eighteen (18) months, if the premises contains between one and six distinct and separate residential units, or within twelve (12) months, if the premises contains more than six distinct and separate residential units, after the second of any two (2) previous instances of disorderly use for which notices were sent to the licensee pursuant to this section, the rental dwelling license for the premises may be denied, revoked, suspended, or not renewed. An action to deny, revoke, suspend, or not renew a license under this section shall be initiated by the director of inspections in the manner described in Section 244.1940, and shall proceed according to the procedures established in Sections 244.1950, 244.1960, and 244.1970.

Adopted 12/23/05.

Absent - Samuels.

PS&RS - Your Committee, to whom was referred an ordinance amending Title 15, Chapter 389 of the Minneapolis Code of Ordinances relating to *Offenses—Miscellaneous: Noise*, defining noisy and unruly assemblies; providing for administrative, civil and criminal enforcement of violations related to noisy and unruly assemblies, and for the recovery of subsequent enforcement and response costs; and establishing a notification system applicable to noisy and unruly assemblies, now recommends that said ordinance be sent forward without recommendation.

Your Committee, also having under consideration a Resolution approving the adoption of scheduled civil fines for administrative violations of Minneapolis Code of Ordinances Section 389.65 (c) (1) relating to noisy or unruly assemblies, now recommends that said resolution be sent forward without recommendation.

Niziolek moved that the report be referred back to the Public Safety & Regulatory Services Committee; and to Direct the Minneapolis Police Department to work with the Rental Property Advisory Committee to evaluate the implementation of the Rental Licensing Ordinance (conduct on premises) and provide a report on the evaluation as well as recommendations. Seconded.

Adopted 12/23/05. Yeas, 6; Nays, 5 as follows:

Yeas - Niziolek, Benson, Goodman, Johnson, Colvin Roy, Zimmermann.

Nays - Hodges, Schiff, Zerby, Johnson Lee, Ostrow.

Absent - Samuels, Lilligren.

PS&RS - Your Committee, to whom was referred an ordinance amending Title 1, Chapter 2 of the Minneapolis Code of Ordinances relating to *General Provisions: Administrative Enforcement and Hearing Process*, amending provisions related to the schedule of civil fines to allow for the adopted fine schedule to include as a separate part of any specified civil fine a charge for actual costs of enforcement or emergency response directly related to the administrative violation, now recommends that said ordinance be sent forward without recommendation.

Niziolek moved that the report be referred back to the Public Safety & Regulatory Services Committee; and to Direct the Minneapolis Police Department to work with the Rental Property Advisory Committee to evaluate the implementation of the Rental Licensing Ordinance (conduct on premises) and provide a report on the evaluation as well as recommendations. Seconded.

Adopted 12/23/05. Yeas, 6; Nays, 5 as follows:

Yeas - Niziolek, Benson, Goodman, Johnson, Colvin Roy, Zimmermann.

Nays - Hodges, Schiff, Zerby, Johnson Lee, Ostrow.

Absent - Samuels, Lilligren.

PS&RS - Your Committee, to whom was referred ordinances amending Title 12 of the Minneapolis Code of Ordinances relating to *Housing*, requiring a Truth in Housing disclosure report for condominiums or first time condominium conversions; extending the validity of the Truth in Housing report from one to two years for one sale or one owner; and increasing fees for testing and licensing, now recommends that the following ordinances be given their second reading for amendment and passage:

a. Chapter 248 relating to *Truth in Sale of Housing*.

b. Chapter 250 relating to *Condominium Conversions*, amending Section 250.120 entitled "*Truth in housing disclosure report required*".

Niziolek moved to amend Sections 248.20 and 248.70 of the ordinance by deleting the new language "condominium or first time condominium conversion" and inserting in lieu thereof "first time condominium conversion". Seconded.

Adopted upon a voice vote.

Absent - Samuels, Lilligren.

The report, with amended ordinance, was adopted 12/23/05.

Absent - Samuels, Lilligren.

Ordinance 2005-Or-143 amending Title 12, Chapter 248 of the Minneapolis Code of Ordinances relating to *Housing: Truth in Sale of Housing*, amending Sections 248.10; 248.20; 248.30; 248.40; 248.50; 248.70; 248.80; 248.100; 248.110; 248.120; 248.150; 248.180; 248.190; 248.210; 248.220; 248.225; and 248.260 to require a Truth in Housing disclosure report for first time condominium conversions, extending the validity of the Truth in Housing report from one to two years for one sale or one owner; and increasing fees for testing and licensing, was adopted 12/23/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-143
By Niziolek
Intro & 1st Reading: 11/18/05
Ref to: PS&RS
2nd Reading: 12/23/05

Amending Title 12, Chapter 248 of the Minneapolis Code of Ordinances relating to Housing: Truth in Sale of Housing.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 248.10, definitions, be amended by adding *Design Professional* and amending *Re-evaluation* and *Required repair/replace item* to read as follows:

248.10. Definitions. For the purpose of this chapter the following terms shall mean:

Design Professional: A registered engineer or architect licensed to work in Minnesota.

~~*Re-evaluation:*~~ *Amended Report:* An amended disclosure report filed as a result of a reinspection of the subject dwelling or dwelling unit, conducted by the original evaluator, within the period of time the disclosure report is valid. The re-evaluation does not extend the expiration date of the original evaluation.

Required repair/replace item: A condition or defect as defined in section 248.80 of this chapter, that when identified on the disclosure report, must ~~either~~ be repaired or replaced, then re-inspected and approved by a City of Minneapolis inspector or evaluator.

Section 2. That Section 248.20 of the above-entitled ordinance be amended to read as follows:

248.20. Required acts. (a) Any owner or representative of the owner who makes available for sale any single- or two-family dwelling, ~~or townhouse,~~ first time condominium conversion that is not condemned requiring a code compliance, by implementing any of the following actions including, but not limited to, advertising the sale of the dwelling, entering into a listing agreement to sell the dwelling or posting a sign that the dwelling is for sale, shall, within three (3) calendar days of any such action, have an evaluation by a licensed evaluator ~~or have an evaluation scheduled~~.

(1) A disclosure report shall be prepared only by persons licensed as truth-in-sale of housing evaluators under section 248.200.

(b) Any owner or representative of the owner who makes available for sale any single- or two-family dwelling, ~~or townhouse, first time condominium conversion~~ that is condemned requiring a code compliance, by implementing any of the following actions, including, but not limited to, advertising the sale of the dwelling, entering into a listing agreement to sell the dwelling or posting a sign that the dwelling is for sale, shall, within three (3) calendar days of any such action, have a valid certificate of code compliance as set forth in section 89.15 of this Code or a copy of the orders issued as a result of a code compliance inspection ~~or the inspection scheduled and paid for.~~

(1) A code compliance certificate or orders of code compliance shall be prepared as directed by ~~only~~ by the City of Minneapolis inspections division.

(c) All required repair/replace items identified on a truth-in-sale of housing disclosure report must be completed by the buyer within ninety (90) days after the date of closing. The city does not assume any responsibility or liability if the buyer's funds are not sufficient to cover the costs of all required work. If the property is not sold, this section does not require the seller to complete the repairs. If the certificate of approval is not presented at closing, the buyer must sign the acknowledgement of responsibility agreement.

Section 3. That Section 248.30 of the above-entitled ordinance be amended to read as follows:

248.30. Seller disclosure required. (a) The truth-in-housing disclosure report, the code compliance orders or certificate of code compliance shall all contain a statement signed by the owner or representative of the owner:

- (1) As to any damage to the dwelling or its contents by:
 - a. flooding
 - b. sewer backup due to flooding
- (2) Any evidence of chronic water seepage of which the owner has experience or knowledge.
- (3) Age and condition of roof:
 - a. currently leaking
 - b. patched

(4) That the professional opinion referenced in Section 248.70 was obtained and will be provided to all prospective purchasers in first time condominium conversion.

(b) Further, no owner or representative of the owner shall sell such dwelling without providing to the buyer a statement of the nature, extent and cause of any water seepage or flooding of any portion of the property within the knowledge of the owner.

(c) All such reports and certificates or orders are deemed not valid without the signed statement.

Section 4. That Section 248.40 of the above-entitled ordinance be amended to read as follows:

248.40. Availability of documents. (a) A separate disclosure report, code compliance certificate, or code compliance orders shall be prepared for each dwelling.

(1) The disclosure report, certificate or orders shall be available at all the times ~~the dwelling is first~~ shown.

(2) At all times each dwelling or dwelling unit that is for sale shall have a valid disclosure report, or code compliance certificate or orders, conspicuously displayed at the premises. The professional opinion required by section 250.120 for first time condominium conversions must also be displayed.

(b) A valid disclosure report, code compliance certificate or code compliance orders issued for the dwelling along with any required information page(s) shall be provided to the buyer before or at the time of sale of the dwelling, and at the time of closing.

Section 5. That Section 248.50 of the above-entitled ordinance be amended to read as follows:

248.50. Resale of dwellings. (a) A disclosure report is valid for ~~one (1)~~ two (2) years from the date of its issuance. The report is valid only for the owner listed on the report. The certificate of approval, issued to the same owner as listed on the report, shall be valid for the same two year period.

(b) A code compliance certificate is valid for one (1) year from the date of issuance. The certificate is valid only for the owner listed.

(c) Code compliance orders are valid for one (1) year from the date of issuance. The orders are valid only for the owner listed.

Section 6. That Section 248.70 of the above-entitled ordinance be amended to read as follows:

248.70. Disclosure report. The city shall prepare or authorize the use of such form or forms as it may deem appropriate to constitute a disclosure under section 248.20 and this section.

- (1) The disclosure report shall provide information concerning minimum code requirements applicable to existing single- and two-family dwellings, ~~and townhouses~~, first time condominium conversion units which, when not complied with, constitute:
 - a. A major structural defect.
 - b. An immediate danger to the health and safety of the occupant.
 - c. A violation of the minimum housing code.
- (2) The information shall indicate, with appropriate comments, whether the condition at the time and date of the evaluation:
 - a. Meets minimum city requirements.
 - b. Is below minimum city requirements.
 - c. Is a suggested correction; repair/replace is recommended but not required.
 - d. Is a required repair/replace item as specified in section 248.80.
 - e. Is not applicable/does not apply.
- (3) It shall be assumed that any concealed facilities and installations that are not viewed are adequate, based on the functional operations of the facilities and installations and the condition of the equipment that is viewed.
- (4) Nothing in the disclosure report shall indicate, or shall be deemed to indicate, that such dwelling meets all minimum housing and building standards. No warranty is expressed or implied.
- (5) The disclosure report shall also indicate:
 - a. Whether or not there are housing orders pending regarding the property issued by the inspections division, City of Minneapolis.
 - b. Whether the property is condemned or not.
 - c. The dwelling's current zoning status.
 - d. A discrepancy with city records regarding number of units.
 - e. Whether the property is conforming or nonconforming.
- (6) The disclosure report shall include certification that a professional opinion prepared by a professional architect or engineer, licensed in this state, describing the following was available to prospective purchasers in first time condominium conversions:
 - a. Present condition of all structural components, including the age and condition of the roofing system.
 - b. Present condition of all common mechanical, electrical, heating, water, gas, plumbing, and fire safety installations located in the building, including systems located in and/or servicing the common areas of first time condominium conversions.
 - c. A statement regarding the expected useful life of each installation, system, or structure, or facility noted above.

Section 7. That Section 248.80 of the above-entitled ordinance be amended to read as follows:

248.80. Correction of required repair/replace items. (a) The following items, when discovered by the evaluator by a visual inspection, shall be identified as required repair/replacement items in the disclosure report.

- (1) Heating systems that are unsafe, requiring certification by a licensed contractor due to burned out or rusted heat exchangers; burned out, rusted, or plugged flues; improper vents.
- (2) Water heaters that are unsafe, requiring certification by a licensed contractor due to burned out or rusted heat exchangers; burned out, rusted or plugged flues; improper vents; or improper or missing temperature and pressure relief valves or discharge pipe.
- (3) Electrical systems that are unsafe, requiring certification by a licensed contractor due to dangerous overloading; damaged or deteriorated equipment; improperly tapped or spliced wiring; exposed uninsulated wires; temporary distribution systems; or ungrounded systems.
- (4) Plumbing systems that are unsafe due to open waste or vent systems, or cross connections of the municipal water supply.
- (5) Smoke detectors that are improperly located, missing, or inoperable.
- (6) Lack of required utilities.

(7) Gas piping systems that are unsafe due to unapproved, improper, or uncapped lines.

(8) Failure to provide or make available to all prospective purchasers in first time condominium conversions the professional opinion on the present condition of all common area components and systems as required by Section 248.70.

b) When correcting or certifying the required repair/replace items, the owner or licensed contractor shall obtain all necessary permits ~~from the city~~ and comply with all city ordinances.

Section 8. That Section 248.100 of the above-entitled ordinance be amended to read as follows:

248.100. Condemned properties, code compliance orders or certificate of code compliance.

(a) No occupancy shall be permitted of any dwelling that is condemned requiring a code compliance until such time that all orders are complied with, inspected, approved and a certificate of code compliance issued.

(1) All requirements concerning condemned properties in section 89.15 of this Code must be complied with.

(b) When correcting the items from a code compliance inspection, the owner or licensed contractor shall obtain all necessary permits from the city and comply with all city ordinances.

(c) Any owner of a condemned property may sell the property "as is" as long as the owner has met the disclosure requirements in sections 248.20, 248.30 and 248.40.

(d) After all the code compliance orders have been completed and approved, a certificate of code compliance shall be issued to the owner or owners representative.

Section 9. That Section 248.110 of the above-entitled ordinance be amended to read as follows:

248.110. Issuance of certificate of approval. (a) If after the evaluation the dwelling is found to be in compliance with the requirements of this chapter, or after all required repairs/replacements ~~or code compliance orders~~ are completed and approved, ~~or if the owner has a valid certificate of code compliance as per section 89.15 of this Code,~~ a certificate of approval shall be issued to the owner or owner's representative.

(1) The certificate shall state the address of the property evaluated, the owner or owner's representative, and the owner or owner's representative address, report number, and issue date, that the structure has been inspected and is in compliance with the requirements of this section. The report shall be signed by the director of inspections, or the director's designee.

(b) If the city finds that circumstances following the issuance of a certificate of approval involve new violations of repair/replace items a new inspection may be required in order to satisfy the requirements of section 248.80.

(c) The certificate of approval shall be valid only with the original truth-in-sale of housing evaluation; ~~code compliance orders or code compliance certificate attached.~~

Section 10. That Section 248.120 of the above-entitled ordinance be amended to read as follows:

248.120. Appeals board, appointment, terms. (a) Appeals board shall be established with members appointed by the city council, and shall consist of ten (10) members. The membership shall include the director of inspections, or the director's designee, the executive director of the ~~Minneapolis Community Development Agency~~ Community Planning and Development Agency (CPED), or the executive director's designee, an attorney representing the city attorney's office, and a public representative from each of the following: the financial community, the real estate business, a person experienced in construction, one (1) member each from the Minnesota Society Of Housing Inspectors (MSHI) and the American Society of Home Inspectors (ASHI), and two (2) from the general public.

(b) The director of inspections, or the director's designee, the executive director of the ~~Minneapolis Community Development Agency~~ Community Planning and Development Agency (CPED), or the executive director's designee, and an attorney representing the city attorney's office shall serve in a nonvoting capacity.

(c) Each appointment shall be for a period of two (2) years and shall continue until a replacement has been duly appointed and qualified.

(d) Each public member shall be compensated fifty dollars (\$50.00) per meeting attended, not to exceed six hundred dollars (\$600.00) per year.

(e) Public members of the board must reside in the city.

Section 11. That Section 248.150 (c)(1) of the above-entitled ordinance be amended to read as follows:

248.150. Right to appeal, procedures.

(c) Any appeal must be by written notice filed with the inspections division within thirty (30) days of the decision.

- (1) The payment of a fee in the amount of one hundred dollars (\$100.00) will accompany the submission of the appeal from owners or their representative to cover administration and handling costs. Evaluators and design professionals appealing a disciplinary action by the city are exempt from this fee.

Section 12. That Section 248.180 (a) of the above-entitled ordinance be amended to read as follows:

248.180. Application fees, requirements and examination. (a) Each person desiring an evaluator license shall file with the city at least ~~three (3)~~ ten (10) business days prior to the date of examination, an application to take the required examination and shall pay the nonrefundable sum of ~~seventy-five dollars (\$75.00)~~ one hundred dollars (\$100) as an application fee.

Section 13. That Section 248.190 of the above-entitled ordinance be amended to read as follows:

248.190. Evaluator license and renewal requirements. (a) Each applicant who successfully passes the examination required in section 248. ~~190~~ 180 and meeting all other licensing requirements shall, upon payment of the nonrefundable sum of ~~seventy-five dollars (\$75.00)~~ one hundred dollars (\$100) to the city be issued an evaluator license.

- (1) No license shall be granted to any person less than eighteen (18) years of age.
- (2) No employee of the city shall be licensed under this chapter.
- (3) Any person who passes the examination to become a truth-in-sale of housing evaluator has one (1) year from the date of the examination to obtain their license.
- (4) The applicant will have to reapply and pass another examination if the applicant fails to obtain a license within that one (1) year period.

(b) Each evaluator who is eligible to renew their truth-in-sale of housing evaluator license shall pay the nonrefundable sum of ~~seventy-five dollars (\$75.00)~~ one hundred dollars (\$100) to the city for renewal of the license.

- (1) Persons who have not renewed their licenses within one (1) year of the expiration date shall reapply and pass another city examination prior to re-licensing.
- (2) All licenses under this chapter shall expire on December 31 of each year.

(c) All currently licensed evaluators shall obtain a national certification, as determined by the director of inspections, by December 31st of the 2nd year of the effective date of this ordinance in order to renew their license. All new applicants must have this certification before applying to take the evaluator examinations. Each evaluator shall show proof of continuing certification in order to maintain or renew their license.

~~(e)~~ (d) The city may require each evaluator to attend city sponsored training. The city may charge reasonable fees for this training.

Section 14. That Section 248.210 (a) of the above-entitled ordinance be amended to read as follows:

248.210. Insurance. (a) Each evaluator must provide the city with a certificate of insurance showing proof of the following occurrence-based insurance coverage before receiving a license:

Section 15. That Section 248.220 of the above-entitled ordinance be amended to read as follows:

248.220. Report filing and filing fees. (a) Each evaluator shall submit to the city, a true legible copy of each disclosure report within five (5) business days after the evaluation has been made. The copy shall be of the final report, ~~either typewritten, computerized or legibly printed in ink,~~ as furnished to the seller. The report shall be filed in a medium and format as approved by the director of inspections. A filing fee of ~~twenty dollars (\$20.00)~~ twenty five dollars (\$25) made payable to the Minneapolis Finance Department shall be required with each disclosure report submitted to the city.

- (1) Information page(s) required by the city to be attached to the report do not have to be filed with the report as long as the evaluator signs the statement that these pages have been attached and given to the owner or representative of the owner.

(b) When the disclosure report is not filed or the required filing fee is not paid within the five (5) business day time limit set forth in this section, ~~the fee for such filing of the required report shall be doubled for reports received within the next five (5) business day time limit.~~ a late fee of fifty dollars (\$50) shall be due along with the filing fee.

~~(1) An additional ten dollars (\$10.00) late fee shall be added to the fees already due for each additional five (5) business day time period.~~

(c) Failure to comply with the provisions of the timely filing of reports or to pay the required filing fees is just cause to suspend, cancel, revoke or fail to renew the license of a truth-in-sale of housing evaluator.

Section 16. That Section 248.225 of the above-entitled ordinance be amended to read as follows:

248.225. Acknowledgement of responsibility. (a) The buyer, buyer's agent, and closer shall be jointly responsible for filing a completed acknowledgement of responsibility form with the inspections division ~~within ten (10) days after~~ within one business day after closing.

(b) The acknowledgement of responsibility form shall be available from the inspections division. The form shall require information deemed appropriate by the director of inspections, including:

(1) A statement that the buyer is required to complete all repair/replace items on the disclosure report within ninety (90) days after closing.

(2) The date(s) of sale and closing.

(3) The address of the property.

(4) The name(s), residential address(es) and signature(s) of all buyers.

(5) The name(s) and address(es) of any representative of a buyer, including real estate agents.

(6) The name(s) and address(es) of all seller(s).

(7) The name(s) and address(es) of any representative of a seller, including real estate agents.

(8) The name(s) and address(es) of the closer(s).

(9) The form shall be accompanied by a copy of the disclosure report.

(c) An acknowledgement of responsibility form need not be filed if a certificate of approval has been issued to the seller pursuant to section 248.110 prior to closing.

(d) Failure to comply with this section shall constitute a violation by the buyer, buyer's agent and the closer.

Section 17. That Section 248.260 of the above-entitled ordinance be amended to read as follows:

248.260. Effective date. This chapter shall be effective for dwellings sold, closed, offered or listed for sale by exhibiting or showing on or after ~~June 1, 2002;~~ February 1, 2006, remain valid for ~~one (1) year~~ two (2) years from the date of evaluation and for one (1) owner.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

Ordinance 2005-Or-144 amending Title 12, Chapter 250 of the Minneapolis Code of Ordinances relating to *Housing: Condominium Conversions*, amending Section 250.120 to require a Truth in Housing disclosure report for first time condominium conversions, was adopted 12/23/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

ORDINANCE 2005-Or-144

By Niziolek

Intro & 1st Reading: 11/18/05

Ref to: PS&RS

2nd Reading: 12/23/05

Amending Title 12, Chapter 250 of the Minneapolis Code of Ordinances relating to Housing: Condominium Conversions.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 250.120 of the above-entitled ordinance be amended to read as follows:

250.120. Truth-in-housing disclosure report required. The truth-in-housing disclosure report provisions of Chapter 248 of the Minneapolis Code of Ordinances shall apply to sales by declarants of individual residential units in conversion condominiums. The disclosure report shall identify all required repair/replace items pursuant to section 248.70. The disclosure report must also include information concerning any damage to the dwelling due to flooding, any evidence of chronic water seepage, and information on the age and current condition of the roof as required by section 248.30. A professional opinion on the present condition of all heating, water, gas, electrical, plumbing, structural, and roof systems located or servicing common areas of the conversion condominium must also be provided in accordance with section 248.70. The truth-in-housing disclosure report and professional opinion required by this section shall be delivered to a prospective purchasers, including tenants, at the time when the declarant must deliver to the purchaser the disclosure items required by the ~~Minnesota Uniform Condominium Act~~ Minnesota Common Interest Ownership Act, Article 4-, or when the the condominium conversion notice must be provided to tenants, whichever is sooner. ~~In lieu of providing the truth-in-housing disclosure report, the declarant may provide a certificate of code compliance under the Minneapolis Code of Ordinances prior to conveyance to the purchaser.~~

Adopted 12/23/05.

Absent - Samuels, Lilligren.

PS&RS - Your Committee, to whom was referred an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, revising the existing authority and procedures for issuance of temporary housing permits, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 12/23/05.

Absent - Samuels.

Ordinance 2005-Or-145 amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, amending Section 244.60 to revise the existing authority and procedures for issuance of temporary housing permits, was adopted 12/23/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-145

By Niziolek

Intro & 1st Reading: 10/25/02

Ref to: PS&RS

2nd Reading: 12/23/05

Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 244.60 of the above-entitled ordinance be amended to read as follows:

244.60. Temporary housing prohibited; exception. (a) Unless otherwise provided in this section, No camp car, house trailer, automobile, tent or other temporary structure may be parked or placed upon any public street or on any public or private premises or street in the city and used as a shelter or enclosure of persons and their effects for the purpose of living therein. However, in a temporary situation a special council permit may be obtained to allow such housing for a specific period of time.

(b) The Director of Inspections may issue a permit to allow for temporary housing when a specified emergency creates the need to allow for such housing. A permit may be issued only when the emergency creating the need is an act of nature, a technological failure or malfunction, a terrorist incident, a public health emergency, an industrial accident, a hazardous material accident, or destruction caused by a civil disturbance.

(c) When the Director of Inspections issues a permit to allow for temporary housing, the Director shall provide that the permit will expire after a specific period of time, not to exceed six (6) months. The Director shall attempt to set the expiration date to coincide with the elimination of the need for temporary housing. The Director may grant one six (6) month extension of this permit.

(d) The Director of Inspection may set conditions on the use of the permit to mitigate the negative impacts of the permit. These conditions may include compliance with applicable statutes, ordinances and/or rules, including but not limited to the Minneapolis Fire Code, Minneapolis Health Code, Minneapolis Building Code, Minneapolis Housing Maintenance Code, and the Minneapolis Zoning Code. In addition, the Director may impose any additional appropriate conditions to the use of the temporary housing permit.

(e) The Director of Inspections may revoke the permit if the need for such temporary housing ends, or if the permit holder fails to comply with the conditions set by the Director as to the use of the temporary housing permit.

Adopted 12/23/05.

Absent - Samuels.

PS&RS - Your Committee, having under consideration the application of Caboose Enterprises, Inc, dba Cabooze, 913 Cedar Av S, 1st floor, for an On-Sale Liquor Class B with Sunday Sales License to expire January 1, 2007, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 12/23/05.

Absent - Samuels.

PS&RS - Your Committee, to whom was referred back on November 18, 2005 a report relating to the application of View Restaurant & Lounge LLC, dba Dixies Calhoun, 2730 W Lake St, street level, for an On-Sale Liquor Class A with Sunday Sales License (change in ownership from Dixies Smokehouse Foods Inc) to expire April 1, 2006, now recommends that said license be granted, subject to the following conditions:

a. the licensee will not allow any activities to occur on its premises which include or involve nude or semi-nude dancing, revealing or inappropriate employee attire, mud wrestling, wet T-shirt contests, employee wrestling with customers or sexually suggestive touching and other similar types of activities. Violation of these terms shall provide a basis for revocation of the City's consent for the licensee to operate the Class A On-Sale Liquor License.

b. final inspection and compliance with all provisions of applicable codes and ordinances.

Niziolek moved that the report be referred back to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote 12/23/05.

Absent - Samuels.

PS&RS - Your Committee, having under consideration the application of Bean Scene Inc, dba Bean Scene, 2220 W Broadway, for an On-Sale Wine Class A with Strong Beer License (new business) to expire April 1, 2006, and having held a public hearing thereon September 14, 2005, now recommends that said license be granted, subject to the following conditions:

a. the licensee will not allow any activities to occur on its premises which include or involve nude or semi-nude dancing, revealing or inappropriate employee attire, mud wrestling, wet T-shirt contests, employee wrestling with customers or sexually suggestive touching and other similar types of activities. Violation of these terms shall provide a basis for revocation of the City's consent for the licensee to operate the Class A On-Sale Wine License.

b. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 12/23/05.

Absent - Samuels.

PS&RS - Your Committee, having under consideration the application of Pizza Nea Inc, dba Pizza Nea, 1221 W Lake St #105, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire April 1, 2006, now recommends that said license be granted, subject to the following conditions:

- a. the restaurant indoor operations shall close no later than 10:00 p.m. Sunday; 11:00 p.m. Monday through Thursday; and Midnight Friday and Saturday.
- b. the restaurant outdoor operations shall close and be cleared of customers by 9:00 p.m. Sunday through Thursday; and 10:00 p.m. Friday and Saturday.
- c. the restaurant outdoor operations shall be evaluated, along with potential noise impacts and mitigation measures, at a meeting to be called by the Licenses Division, including CARAG, the licensee and residents within 300 feet of the premises by August 1, 2006.
- d. the outdoor seating at the rear of the business requires some screening to the south.
- e. alcoholic beverages shall be sold only with the purchase of food.
- f. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 12/23/05.

Absent - Samuels.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the renewal application of Quest, 110 N 5th St, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

Adopted 12/23/05.

Absent - Samuels.

Resolution 2005R-681, granting the renewal application of Quest, 110 N 5th St, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions, was adopted 12/23/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-681

By Niziolek

Granting the renewal application of Quest, 110 N 5th St, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the renewal application submitted by Heaven & Earth, Inc, dba Quest, 110 N 5th St, for an On-Sale Liquor Class A with Sunday Sales License to expire October 1, 2006, subject to the following conditions:

a. on or before 1:00 p.m. on October 17, 2005, the licensee shall deliver to the Licenses Division full payment of the first installment of \$10,000 which is currently past due and owing in accord with the terms of the "Addendum to Stipulation & Recommendations", executed August 9, 2005. Said payment shall be made out to the "City of Minneapolis Safe Zone". In the event that this payment is not made in full in compliance with the terms of these conditions, the licensee agrees to voluntarily surrender its liquor license effective 1:01 p.m. October 17, 2005.

b. on or before 1:00 p.m. on December 15, 2005, the licensee shall deliver to the Licenses Division full payment of the second installment of \$10,000 as referenced in the "Addendum to Stipulation & Recommendations", executed August 9, 2005. Said payment shall be made out the "City of Minneapolis Safe Zone". In the event that this payment is not made in full in compliance with the terms of these conditions, the licensee agrees to voluntarily surrender its liquor license effective 1:01 p.m. December 15, 2005.

c. on or before 1:00 p.m. on January 31, 2006, the licensee shall deliver to the Licenses Division full payment of the third installment of \$10,000 as referenced in the "Addendum to Stipulation & Recommendations", executed August 9, 2005, as well as full payment of any fines and costs ordered payable in satisfaction of any order issued in the matter of two administrative citations appealed and heard on October 11, 2005. Said \$10,000 payment shall be made out the "City of Minneapolis Safe Zone". In the event that these payments are not made in full in compliance with the terms of these conditions, the licensee agrees to voluntarily surrender its liquor license effective 1:01 p.m. January 31, 2006.

d. shall the licensee fail to meet any of the above payment conditions and be required to surrender its liquor license, the licensee agrees that any sales of alcoholic beverages taking place after the time required for such surrender shall be deemed to be unlicensed sales of alcohol in violation of City ordinance and State Statute.

e. the licensee shall serve a five-day license suspension. The days of the suspension shall be dictated by City of Minneapolis staff, who shall take into account and attempt to avoid scheduling conflicts with pre-scheduled events at The Quest. No more than two of the days served as a suspension shall be consecutive and no suspension day shall fall on the same day of the week as any other suspension day. The City of Minneapolis will attempt to dictate the days of suspension without attempting to imbue an unreasonable financial hardship upon the licensee but the City retains final authority over which days shall be served for the suspension. The City shall provide the licensee with notice of suspended days at least 30 days prior to their imposition. The City may impose the suspension days at any point prior to July 31, 2006.

f. the licensee shall continue to be bound by the terms of the "Addendum to Stipulation & Recommendations", executed August 9, 2005 which references the "Stipulation and Recommendations", executed December 23, 2004.

g. any ordinance, code, statutory, regulatory or other legal violations that might take place by the licensee after execution of these conditions or which are discovered after such execution may be enforced by the City of Minneapolis without restriction and such enforcement may be in addition to any sanctions referenced in these conditions.

Adopted 12/23/05.

Absent - Samuels.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of 4-You Food Market, 2326 Lyndale Av N, for Grocery, Food Manufacturing and Tobacco Licenses, subject to conditions.

Adopted 12/23/05.

Absent - Samuels.

Resolution 2005R-682, granting the application of 4-You Food Market, 2326 Lyndale Av N, for Grocery, Food Manufacturing and Tobacco Licenses, subject to conditions, was adopted 12/23/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-682

By Niziolek

Granting the application of 4-You Food Market, 2326 Lyndale Av N, for Grocery, Food Manufacturing and Tobacco Licenses, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Aminan Inc, dba 4-You Food Market, 2326 Lyndale Av N, for Grocery, Food Manufacturing and Tobacco Licenses (new proprietor) to expire April 1, 2006, subject to the following conditions:

- a. "No Trespassing" signs will be posted. Staff will immediately ask people loitering to leave. If they refuse, staff will call 911 and cooperate with police once they arrive.
- b. the licensee will ensure that a minimum of two staff, in addition to the security person, are working to ensure monitoring of the exterior and to reduce negative behaviors.
- c. the licensee agrees to actively address security concerns to include loitering, drug activity, trespassing and management of the trespassing program. The licensee agrees to cooperate fully in the prosecution of criminal activity.
- d. the licensee agrees not to sell single cigars sometimes referred to as blunts.
- e. the licensee agrees not to sell items which are commonly used by drug users and drug dealers. These items include glass pipes (sometimes with roses inside), Brillo Pads or Chore Boy, small zip lock bags also known as jewelry bags, dice, single use tobacco products to include rolling papers. The licensee also agrees not to supply matches to non-tobacco customers.
- f. the licensee agrees to chain off the lot after hours to prevent vehicles from using the lot.
- g. the licensee agrees to keep all lights adequate and functioning properly.
- h. all windows will be free of signs and other items that block the view in and out.
- i. the licensee shall comply with the Surveillance Camera Ordinance, Section 259.250 of the Minneapolis Code of Ordinances.
- j. the licensee agrees to clean the property of litter and trash daily, including the area within 100 feet of the property line.

Adopted 12/23/05.

Absent - Samuels.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 12/23/05.

Absent - Samuels.

Resolution 2005R-683, granting applications for Liquor, Wine and Beer Licenses, was adopted 12/23/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-683

By Niziolek

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

Off-Sale Liquor, to expire January 1, 2007

Haskell's Inc, dba Haskell's, 81 S 9th St

Surdyk's Liquor Inc, dba Surdyk's Liquor, 303 E Hennepin Av

V & Y Inc, dba Dom's Liquor, 2201 University Av NE

Jessy & Luke Inc, dba Hi-Lake Liquors, 2218 E Lake St

2538 Central Corporation, dba Central Avenue Liquors, 2538 Central Av NE

Off-Sale Malt Liquor, to expire April 1, 2006

Town Hall Brewery Ltd Ptn, dba Minneapolis Town Hall Brewery, 1430 Washington Av S (growler license)

On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2007

Radisson Minneapolis Corporation, dba Radisson Plaza Minneapolis, 35 S 7th St

University Gateway Corp, dba Gateway Cafe, 200 Oak St SE (60/40)

Escape Entertainment Inc, dba Escape, 600 Hennepin Av #170

Graves Hospitality Corporation, dba Le Meridien Minneapolis Hotel, 601 1st Av N
Columbia Park Business Center Corp, dba Minneapolis Grand Hotel, 615 2nd Av S
T H S Hotel Operations Inc, dba Crown Plaza Northstar Hotel, 618 2nd Av S
AMPA Inc, dba Y'All Come Back Saloon, 830 Hennepin Av
Twin City Catering Inc, dba Picnics Plus/Affairs to Remember, 2117 W River Rd, Suite 100

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2006

Western Host Inc, dba Four Points by Sheraton-Mpls, 1330 Industrial Blvd

On-Sale Liquor Class B with Sunday Sales, to expire January 1, 2007

Baz Inc, a MN Corp, dba Champps, 100 6th St N (includes Class B outdoor entertainment)

River Jakes Inc, dba Nye's Polonaise Room, 112 E Hennepin Av

Campus Club of the University of Minnesota, dba Campus Club of the University of Minnesota, 300 Washington Av SE (downgrade from Class A)

Spring Street Tavern LLC, dba Spring Street Tavern, 355 Monroe St NE

Shaw's Bar & Grill Inc, dba Shaw's Bar & Grill, 1528 University Av NE

On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2006

Mike Spicer Foods Ltd, dba Spirell Bar, 119 4th St N (expansion of premises)

Mike Spicer Foods Ltd, dba Spirell Bar, 119 4th St N

Sam Ventures Inc, dba Imperial Room, 417 1st Av N, #100

On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2006

Restaurant Entertainment Group Inc, dba Refuge, 430 1st Av N

Solera Restaurant Holdings LLC, dba Solera, 900 Hennepin Av

On-Sale Liquor Class C-1 with Sunday Sales, to expire January 1, 2007

8th Street Garage Inc, dba 8th Street Grill & Tavern, 800 Marquette Av

On-Sale Liquor Class C-2 with Sunday Sales, to expire April 1, 2006

Monte Carlo Restaurant Inc, dba Monte Carlo, 219 3rd Av N (change in ownership from John Rimarcik)

On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2007

Rainbow Restaurant Properties Inc, dba Chino Latino, 2916 Hennepin Av S (new shareholder, corporate officer for parent corporation, Parasole Restaurant Holdings Inc)

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 50 S 6th St

Watermark Restaurants LLC, dba Mission American Kitchen & Bar, 80 S 8th St #124

Brinda Companies Inc, dba Pracna on Main, 117 Main St SE

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 225 E Hennepin Av

OSF International Inc, dba Old Spaghetti Factory, 233 Park Av

Corbett Inc, dba O'Briens Decoy Pub & Smokehouse, 815 E Hennepin Av

Zelo Inc, dba Zelo, 831 Nicollet Mall

Fossland-Olson Inc, dba Scotts 1029 Bar, 1029 Marshall St NE

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 1040 Nicollet Mall

Restaurant Properties Inc, dba Figlio's, 3001 Hennepin Av #301A

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2006

McCormick & Schmick Restaurant Corp, dba McCormick & Schmick's Seafood Restaurant, 800 Nicollet Mall, 2nd floor

Dogs Howling Inc, dba Boom! Oddfellows, 401 E Hennepin Av

McCormick & Schmick Restaurant Corp, dba McCormick & Schmicks Seafood Restaurant, 800 Nicollet Mall

Tiburon Restaurants LLC, dba Tiburon, 1201 Harmon Pl

On-Sale Wine Class C-2 with Strong Beer, to expire April 1, 2006

La Tortuga Inc, dba La Tortuga, 2411 Central Av NE (new manager/management agreement)

Rooftop Inc, dba Marshall Field's 700 Express, 700 Nicollet Mall (new shareholder/partner, new corporate officer)

Bigsby Enterprises Ltd, dba Bigsbys Cafe, 701 4th Av S (downgrade from On-Sale Liquor Class E with Sunday Sales)

Puerto De Veracruz LLC, dba Puerto De Veracruz, 2409 Central Av NE (change in ownership from La Tortuga Inc).

Adopted 12/23/05.

Absent - Samuels.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 12/23/05.

Absent - Samuels.

Resolution 2005R-684, granting applications for Business Licenses, was adopted 12/23/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-684

By Niziolek

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of December 2, 2005 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 270867):

Asphalt Shingles & Roofing Manufacturer; Car Wash; Christmas Tree; Dry Cleaning & Laundry Pickup Station; Grocery; Food Manufacturer; Restaurant; Sidewalk Cafe; Gasfitter Class A; Heating, Air Conditioning & Ventilating Class A; Heating, Air Conditioning & Ventilating Class B; Horse and Carriage; Hotel/Motel; Lodging House with Boarding; Motor Vehicle Immobilization Service; Motor Vehicle Repair Garage; Commercial Parking Lot Class A; Pet Shop; Pet Shop - Mobile; Plumber; Refrigeration Systems Installer; Residential Specialty Contractor; Secondhand Goods Class B; Sign Hanger; Steam & Hot Water Systems Installer; Suntanning Facility; Swimming Pool - Public; Taxicab Limited; Taxicab Vehicle; Theater Zone I; Tobacco Dealer; Combined Trades; Wrecker of Buildings Class A; and Wrecker of Buildings Class B.

Adopted 12/23/05.

Absent - Samuels.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.

Adopted 12/23/05.

Absent - Samuels.

Resolution 2005R-685, granting applications for Gambling Licenses, was adopted 12/23/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-685

By Niziolek

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

Gambling Lawful Exempt

Downtown Ducks Unlimited, dba Downtown Ducks Unlimited, 33 S 6th St (Raffle December 1, 2005 at International Market Square)

Minnesota Childrens Museum, dba Minnesota Childrens Museum, 10 W 7th St (Raffle February 11, 2006 at International Market Square, 275 Market St)

Christian Community Golf Association, dba Christian Community Golf Association, PO Box 32354 (Raffle February 26, 2006 at Grain Belt Premium Minnesota Golf Show, Metrodome)

Mixed Blood Theater, dba Mixed Blood Theater, 1501 S 4th St (Raffle May 4, 2006)

Hopkins Education Foundation, dba Hyatt Regency Hotel, 1001 Hwy 7, Hopkins (Raffle February 11, 2006 at Hyatt Regency Hotel, 1300 Nicollet Mall.

Adopted 12/23/05.

Absent - Samuels.

PS&RS - Your Committee, having under consideration a request by Regulatory Services to extend Courtesy Bench Licenses held by the US Bench Corporation from January 1, 2006 to July 1, 2006 due to a pending proposal to develop a franchise agreement for courtesy benches on the public right-of-way, now recommends the following:

a. Staff shall continue the acceptance and consideration of courtesy bench license applications for the full one-year term running through December 31, 2006, to expire on January 1, 2007.

b. Staff shall continue to pursue the previously approved transition from a courtesy bench licensing system to a franchising system with the express goal to adopt and implement a franchise system to commence on January 1, 2007.

c. City Attorney staff shall analyze and bring forward a proposed ordinance amendment which will expressly repeal Chapter 283 relating to *Courtesy Benches* of the Minneapolis Code of Ordinances, effective January 1st, 2007.

d. Staff will continue with the August approved Request for Proposals (RFP) competitive bid process.

Benson moved to substitute the following report for the above report. Seconded.

Adopted upon a voice vote.

Absent - Lilligren, Samuels.

PS&RS - Your Committee, having under consideration a request by Regulatory Services to extend Courtesy Bench Licenses held by the US Bench Corporation from January 1, 2006 to July 1, 2006 due to a pending proposal to develop a franchise agreement for courtesy benches on the public right-of-way, now recommends the following:

"a. Staff shall continue the acceptance and consideration of courtesy bench license applications for the full one-year term running through December 31, 2006, to expire on January 1, 2007.

b. Staff shall continue with the August 2005 approved Request for Proposals (RFP) competitive bid process and pursue the previously approved transition from a courtesy bench licensing system.

c. City Attorney staff shall analyze and bring forward a proposed ordinance amendment which will expressly repeal Minneapolis Code of Ordinances Chapter 283, *Courtesy Benches*.

d. Staff shall notify courtesy bench license holders that said licenses may be revoked during 2006 pursuant to Minneapolis Code of Ordinances, Section 283.160, if, in the judgment of the City Council, it is no longer appropriate to maintain said licenses due to any reason, including implementation of a franchise system." Seconded.

The substitute report was adopted 12/23/05.

Absent - Lilligren, Samuels.

PS&RS - Your Committee recommends passage of the accompanying resolution amending Resolution 2004R-367 entitled "Schedule of Fines for Administrative Offenses", passed August 20, 2004 to include a fine schedule for large venues and special events, and for the withholding of pertinent information on liquor applications.

Adopted 12/23/05.

Absent - Samuels.

Resolution 2005R-686, amending Resolution 2004R-367 entitled "Schedule of Fines for Administrative Offenses", passed August 20, 2004, was adopted 12/23/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-686

By Niziolek

Amending Resolution 2004R-367 entitled "Schedule of Fines for Administrative Offenses", passed August 20, 2004.

Whereas, the City Council has enacted Chapter 2 of the Minneapolis Code of Ordinance (hereinafter "Code") which establishes an administrative enforcement and hearing process for certain violations of the Code; and

Whereas, Section 2.40 of the Code provides that violations of certain provisions of the Code are administrative offenses that may be subject to the administrative enforcement and hearing process; and

Whereas, Section 2.60 of the Code provides for the imposition of a civil fine for administrative offenses; and

Whereas, Section 2.70 of the Code provides that the City Council will adopt by Resolution a schedule of civil fines for administrative offenses; and

Whereas, the majority of licensed sellers of alcoholic beverages operate with less than thirty points of sale and are restricted by occupancy levels than 3,000 customers at any one time, excluding hotels and motels, and are subject to the scheduled administrative fines; and

Whereas, large venues and special events should be subject to a fine schedule more reflective of their liquor license conditions based on the "points of sale" available for that special event or venue; and

Whereas, large venues are defined as any sporting event, concert, or other venue that has a City of Minneapolis issued liquor license and has more than thirty points of sale and authorized occupancy level in excess of 3,000. Hotels and motels that have in-room mini-bars are not considered as large venues; and

Whereas, special events are defined as any event where alcoholic beverages will be served under the authority of a City of Minneapolis temporary liquor license and the projected occupancy level or attendance is in excess of 3,000; and

Whereas, points of sale are considered to be any stationary, non-movable bar; foot vendors; moveable bar carts; servers; vehicular serving sites (i.e. beer trucks, etc) and/or any combination of these; and

Whereas, for the sake of enforcement, incidents are circumstances that lead to the issuance of an administrative citation but do not rise to the level of being considered a "violation/compliance failure" (pertains only to Furnishing Liquor to a Minor, Section 364.10, Large Venues and Special Events only). Incidents will result in administrative fines as listed in the fine schedule; and

Whereas, for the purposes of this fine schedule, large venues and special events will not be considered to have previous violations/compliance checks failure if their incidents do not reach the level reflected in the fine schedule; and

Whereas, one sale of an alcoholic beverage to an underage individual is considered a violation/compliance failure - large venues and special events excluded; and

Whereas, for large venues and special events, as dictated in the administrative fine schedule, a set number of incidents, sales to underage individuals, must occur during a single compliance check to be considered a violation/compliance failure;

Now, Therefore, Be it Resolved by The City Council of The City of Minneapolis:

That the proposed fine as set forth in Petn No 270868 on file in the Office of the City Clerk be adopted.

Adopted 12/23/05.

Absent - Samuels.

PS&RS - Your Committee, having under consideration the property located at 4247 Emerson Av N which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to demolish said property legally described as Lot 19, Auditor's Subdivision No 198 (PID #04-029-24-12-0013), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted 12/23/05.

Absent - Samuels.

PS&RS - Your Committee recommends that the proper City Officers be authorized to execute a three-year contract with CornerHouse Interagency Child Abuse Evaluation and Training Center to provide forensic interview services when necessary to interview children and vulnerable adults who are victims of crime. The contract amount for 2006 is approximately \$117,855, with moderate increases for years 2007 and 2008.

Adopted 12/23/05.

Absent - Samuels.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a \$30,000 Safe & Sober grant award and execute an agreement with the Minnesota Department of Public Safety, Office of Traffic Safety, to provide funds to pay overtime to Traffic Unit officers for increased enforcement targeting impaired drivers, juvenile and young adult violators, speed violations and other enforcement to reduce accidents and increase driver safety. Further, passage of the accompanying resolution appropriating \$30,000 to the Police Department.

Adopted 12/23/05.

Absent - Samuels.

RESOLUTION 2005R-687
By Niziolek and Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-DT13) by \$30,000 and increasing the Revenue Source (030-400-DT13 - Source 3210) by \$30,000.

Adopted 12/23/05.

Absent - Samuels.

PS&RS & W&M/Budget - Your Committee recommends that the Police Department be authorized to accept a utility trailer from Rosen's Tavern, valued at approximately \$7,000, for use transporting Police Department equipment, as needed.

Adopted 12/23/05.

Absent - Samuels.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a \$3,000 Speed Limit Enforcement Grant award and execute an agreement with the Minnesota Department of Public Safety, State Patrol Division, to provide funds to reimburse overtime costs to officers for increased enforcement targeting speed violations and other enforcement to reduce accidents. Further, passage of the accompanying resolution appropriating \$3,000 to the Police Department.

Adopted 12/23/05.

Absent - Samuels.

RESOLUTION 2005R-688
By Niziolek and Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-DT13) by \$3,000 and increasing the Revenue Source (060-400-DT13 - Source 3215) by \$3,000.

Adopted 12/23/05.

Absent - Samuels.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to execute the required contracts to accept grant funding of \$500,759 awarded to Hennepin County through the United States Department of Justice as part of the 2005 Edward Byrne Memorial Justice Assistance Grant (JAG) to provide staff support over a three-year period in the City Attorney's Office to respond to misdemeanor violations and citations made by the Police Department's Community Response Teams and CODEFOR. Funds will also be used to enhance the operational capabilities of the Police Department. The grant will operate through Hennepin County with Minneapolis as a sub-recipient to the County's award. Further, passage of the accompanying resolution appropriating the grant award between the Police Department and City Attorney's Office.

Adopted 12/23/05.

Absent - Samuels.

RESOLUTION 2005R-689
By Niziolek and Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended as follows:

a. increasing the appropriation for the City Attorney Agency in the Grants - Federal Fund (030-140-1410) by \$350,000 and increasing the Revenue Source (030-140-1410 - Source 3210) by \$350,000.

b. increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-P611) by \$150,759 and increasing the Revenue Source (030-400-P611 - Source 3210) by \$150,759.

Adopted 12/23/05.

Absent - Samuels.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to execute a Joint Powers Agreement among 10 counties and the Cities of Minneapolis and St. Paul for Metropolitan Region Homeland Security Emergency Management to administer Homeland Security grant funds among the involved cities and counties to prepare for and respond to natural and man-made disasters, including terrorism. Further, that the Mayor of Minneapolis be designated as the representative from the City of Minneapolis to be on the Governing Board of the Metropolitan Region of Homeland Security and Emergency Management.

Adopted 12/23/05.

Absent - Samuels.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a donation of \$12,000 from the estate of Stamatina Arbelia for the purpose of assisting Animal Control with its Pet Adoption Program. Further, passage of the accompanying resolution appropriating \$12,000 to Regulatory Services to be used specifically for pet adoption purposes, as set forth in Petn No 270873 on file in the Office of the City Clerk.

Adopted 12/23/05.

Absent - Samuels.

RESOLUTION 2005R-690
By Niziolek and Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Licenses & Consumer Services Agency in the Grants - Other Fund (060-835-8395) by \$12,000.

Adopted 12/23/05.

Absent - Samuels.

PS&RS & W&M/Budget - Your Committee recommends acceptance of the bid received on OP #6527 (Petn No 270872) submitted by Total Fire Group/Morning Pride Manufacturing, LLC, for an estimated expenditure of \$136,000, to furnish and deliver USAR fire gear, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 12/23/05.

Absent - Samuels.

PS&RS & W&M/Budget - Your Committee, having under consideration a request that the Fire Department be authorized 14 marked, take home vehicles, with the provision to allow up to 8 take home vehicles for the Fire Inspection Coordinator positions for those employees who are City residents, as set forth in Petn No 270870 on file in the Office of the City Clerk, now recommends:

PS&RS - that said request be sent forward without recommendation.

W&M/Budget - that said request be approved.

Niziolek moved that the report be amended to approve the Ways & Means/Budget Committee recommendation and to delete the Public Safety & Regulatory Services Committee recommendation. Seconded.

Adopted by unanimous consent.

Absent - Samuels.

The report, as amended, was adopted 12/23/05.

Absent - Samuels.

The **RULES** Committee submitted the following report:

Rules - Your Committee recommends that City Council Rule 11, *Standing Committees*, be amended to change the name of the "Health and Human Services" Committee to the "Health, Energy and Environment" Committee.

Adopted 12/23/05. Yeas, 10; Nays 1 as follows:

Yeas - Niziolek, Benson, Goodman, Hodges, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Ostrow.

Nays - Johnson Lee.

Absent - Samuels, Lilligren.

The **TRANSPORTATION & PUBLICS WORKS** Committee submitted the following reports:

T&PW - Your Committee recommends that the proper City Officers be authorized to accept an alley easement at 3010 4th Av S, at no cost to the City, for the purpose of creating a new corner cut in conjunction with the development of the Zanzibar Restaurant. Said property to consist of:

That part of Lot 60, State Addition to Minneapolis, described as follows: Beginning at a point on the north line of said Lot 60, lying 10 feet east of the northwest corner thereof; thence running westerly a distance of 10 feet to the northwesterly corner of Lot 60; thence running south along the west line of said Lot 60, for a distance of 10 feet; thence running North 45 degrees East to the point of beginning.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

T&PW - Your Committee recommends passage of the accompanying Resolution establishing Uniform Assessment Rates for street construction and street renovation improvements for the 2006 calendar year.

Adopted 12/23/05. Yeas, 10; Nays, 1 as follows:

Yeas - Benson, Goodman, Hodges, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Johnson Lee, Ostrow.

Nays - Niziolek.

Absent - Samuels, Lilligren.

Resolution 2005R-691, establishing uniform assessment rates for street construction and street renovation improvements for the 2006 calendar year, was adopted 12/23/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-691

By Colvin Roy

Establishing uniform assessment rates for street construction and street renovation improvements for the 2006 calendar year.

Whereas, the City Council adopted a policy on October 31, 1980 establishing yearly uniform assessment rates for similar improvements at various locations; and

Whereas, the City Council adopted assessment policies on May 22, 1998 and June 12, 1998 relating to residential and non-residential properties and relating to Local and Other streets; and

Whereas, the City Engineer has submitted the recommended 2006 Uniform Assessment Rates, all as contained in Petn No 270877 on file in the Office of the City Clerk;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following rates are hereby established as the 2006 uniform assessment rates and are to be applied in determining the assessments for the benefited parcels for certain types of work to be constructed in the 2006 calendar year:

Construction (street paving, curb and gutter and other street paving related improvements) - appropriate rate is applied to the land area of benefited parcels located within the street influence zone along the improved street:

\$1.36/sq ft - Local - Non-Residential;
\$1.36/sq ft - Other - Non-Residential;
\$0.52/sq ft - Local - Residential;
\$0.42/sq ft - Other - Residential.

Renovation (mill and overlay of street surface and selected curb and gutter and street construction as needed) – appropriate rate is applied to the land area of benefited parcels located within the street influence zone along the improved street:

\$0.68/sq ft - Local - Non-Residential;
\$0.68/sq ft - Other - Non-Residential;
\$0.26/sq ft - Local - Residential;
\$0.21/sq ft - Other - Residential.

Adopted 12/23/05. Yeas, 10; Nays, 1 as follows:

Yeas - Benson, Goodman, Hodges, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Johnson Lee, Ostrow.

Nays - Niziolek.

Absent - Samuels, Lilligren.

T&PW - Your Committee recommends passage of the accompanying Resolution designating the location and streets to be improved in the Lowry Av N (3rd St N to Girard Av N) Reconstruction Project, Special Improvement of Existing Street No 2259.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

Resolution 2005R-692, designating the improvement of Lowry Av N (3rd St N to Girard Av N), special improvement of existing street No. 2259, was adopted 12/23/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-692

By Colvin Roy

**LOWRY AV N (3rd ST N TO GIRARD AV N) RECONSTRUCTION PROJECT,
SPECIAL IMPROVEMENT OF EXISTING STREET NO 2259**

Designating the improvement of certain existing streets at the location described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 6 of the Minneapolis City Charter, by street paving with plant mix asphalt with concrete curb and gutter all on a stabilized base and including other street paving related improvements as needed:

Lowry Avenue N from 3rd St N to Girard Av N.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

T&PW - Your Committee, having received a cost estimate of \$5,389,650, of which the City's portion is \$187,625, for street construction improvements and a list of benefited properties for the Lowry Av N (3rd St N to Girard Av N) Reconstruction Project, Special Improvement of Existing Street No. 2259, as designated by Resolution 2005R-692 passed December 23, 2005, now recommends that the City Engineer be directed to prepare proposed assessments against the list of benefited properties.

Your Committee further recommends that the City Clerk be directed to give notice of a public hearing to be held by the Transportation and Public Works Committee on January 31, 2006, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the above-designated street reconstruction project and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

T&PW - Your Committee, having under consideration the Public Works Asphalt Plant at the Hiawatha Yard site, now recommends:

a) Declining an alternate proposal for a long-term procurement agreement for hot-mix asphalt, as requested in the Request for Proposals for a Joint Venture Asphalt Plant;

b) Procuring future hot mix asphalt from private producers through a competitive bid process in 2006 and 2007; and

c) That staff return to the T&PW Committee with an Alternatives Analysis, including the costs of full deconstruction of the asphalt plant, storage, and alternative possibilities as part of the planning process for the Hiawatha Yard site.

Adopted 12/23/05. Yeas, 10; Nays, 1 as follows:

Yeas - Benson, Goodman, Hodges, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Johnson Lee, Ostrow.

Nays - Niziolek.

Absent - Samuels, Lilligren.

T&PW - Your Committee, having under consideration the proposed sale of the City of Minneapolis South Transfer Station, now recommends that the proper City officers be authorized to issue a Request for Proposals (RFP), or make an alternative recommendation, for the development of the South Transfer Station into a biomass combined heat and power generation facility. An RFP shall be issued no later than April 4, 2006, with a response date of no later than May 12, 2006, and shall include the following criteria:

- Project description,
- Project management and team,
- Site purchase price and terms,
- Predevelopment sources and uses budget,
- Construction sources and uses budget,
- Operating pro-forma,
- Project time line with milestones, and
- Description of the community benefit and impact.

Colvin Roy moved to substitute the following report for the above report. Seconded.

Adopted upon a voice vote 12/23/05.

Absent - Samuels, Lilligren.

T&PW - Your Committee, having under consideration the proposed sale of the City of Minneapolis South Transfer Station, now recommends that the proper City officers be directed to return to the Transportation and Public Works and Health, Energy and Environment Committees with a Request For Proposals (RFP), or a recommendation of an alternative to the RFP process for the development of the South Transfer Station into a biomass combined heat and power generation facility before the City Council meeting of March 31, 2006. If an RFP is issued, it shall be issued no later than April 4, 2006, with a response date of no later than May 12, 2006 and shall include the following criteria:

- Project description,
- Project management and team,
- Site purchase price and terms,
- Predevelopment sources and uses budget,
- Construction sources and uses budget,
- Operating pro-forma,
- Project time line with milestones, and
- A description of the community benefit and impact.

The substitute report was adopted 12/23/05. Yeas, 8; Nays, 1 as follows:

Yeas - Niziolek, Benson, Hodges, Johnson, Colvin Roy, Schiff, Zerby, Johnson Lee.

Nays - Ostrow.

Declining to vote - Goodman, Zimmermann.

Absent - Samuels, Lilligren.

The **TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration the City-Owned Land Inventory Database Project, now recommends passage of the accompanying Resolution increasing the appropriation for the project by \$100,000, utilizing funds in the Property Disposition Fund.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

RESOLUTION 2005R-693
By Colvin Roy and Johnson

Amending The 2005 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the PW-General Services-Capital Agency in the Permanent Improvement Projects Fund (4100-923-9242) and increasing the revenue source (4100-923-9242-3485) by \$100,000, utilizing funds from the Property Disposition Fund.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving bids submitted to the Public Works Department, all in accordance with City specifications (Petn No. 270879).

Adopted 12/23/05.

Absent - Samuels, Lilligren.

Resolution 2005R-694, granting approval for the bids of a) Custom Product and Service to provide snow removal and sidewalk maintenance in the Central Av and Uptown Special Service Districts; b) Checkpoint Welding and Fabrication, Inc. for welding and fabricating services; and c) Thomas & Sons Construction, Inc. for the construction of the Loring Bikeway Trail, Segments B, C1, and D, was adopted 12/23/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-694
By Colvin Roy and Johnson

Granting approval of the bids for projects and/or services for the City of Minneapolis.

Resolved by The City Council of The City of Minneapolis:

That the following be accepted and that the proper City officers be authorized to execute contracts for the projects and/or services, in accordance with City specifications, and contingent upon approval of the Civil Rights Department. (Petn No 270879)

a) OP #6521, Accept responsive bid of Custom Product and Service, in the amount of \$181,105, to provide snow removal and sidewalk maintenance in the Central Avenue and Uptown Special Service Districts;

b) OP #6524, Accept bid of Checkpoint Welding and Fabrication, Inc., for an estimated annual expenditure of \$65,000, to furnish and deliver welding and fabricating services as needed through December 31, 2006; and

c) OP #6534, Accept low bid of Thomas & Sons Construction, Inc., in the amount of \$356,523.85, to furnish all labor, materials, equipment, permits and incidentals necessary to accomplish the construction of the Loring Bikeway Trail, Segments B, C1, and D.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

T&PW & W&M/Budget - Your Committee, having under consideration the negotiation and purchase of a portion of the property located at 601 25th Av SE (PID No. 19-029-23-34-0016) for the purpose of stormwater management facilities, with a purchase price and fees of approximately \$1,000,000 being reimbursed from Mississippi Watershed Management Organization funds and a State of Minnesota Department of Employment and Economic Development grant, now recommends:

T&PW - Approval.

W&M/Budget - That said subject matter be **sent forward without recommendation**.

Colvin Roy moved that the report be amended to approve the Transportation & Public Works Committee recommendation and to delete the Ways & Means/Budget Committee recommendation. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 12/23/05.

Absent - Samuels, Lilligren.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget - Your Committee recommends passage of the accompanying Resolution authorizing the settlement of legal matters, as recommended by the City Attorney.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

Resolution 2005R-695, authorizing settlement of the legal claim of Donald Ray Williams, was adopted 12/23/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-695

By Johnson

Authorizing legal settlement.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with settlement of Donald Ray Williams v. City of Minneapolis, et al, by payment of \$7,500 to Mr. Donald Ray Williams and his attorney, Albert T. Goins.

Be It Further Resolved that the proper City officers be authorized to execute any documents necessary to effectuate said settlements.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

W&M/Budget - Your Committee, having under consideration the Time Warner Franchise Violations, now recommends acceptance of the partial settlement of the Franchise Violations brought by the City of Minneapolis against KBL Cablesystems of Minneapolis, LP, d.b.a. Time Warner Cable by resolving the violation notices for false and misleading statements, failure to submit annual report for the company's guarantor certified by the guarantor's chief financial officer and letter from the CPA's auditing the books and records of the guarantor's parent company; failure to provide income tax records; and, failure to comply with customer complaint procedures and reports by payment to the City of \$7,500 and upon other terms and conditions as discussed in this request.

Further that the City Attorney's Office or the law firm of Bradley & Guzzetta, LLC, to execute any documents necessary to effectuate this partial settlement.

(Petr No 270884)

Adopted 12/23/05.

Absent - Samuels, Lilligren.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a contract with the Council on Crime and Justice to provide victim/witness services for the period January 1, 2006 through December 31, 2007 in an amount not to exceed \$579,171.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

W&M/Budget - Your Committee recommends passage of the accompanying resolution appropriating \$10,000 to the Business Information Services (BIS) Operating Fund from sale proceeds of two UPS Systems purchased by Baker Resources.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

RESOLUTION 2005R-696

By Johnson

Amending The 2006 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Information & Technology Services Agency in the Intergovernmental Service Fund (6400-880-8810) by \$10,000, and increasing the revenue source (6400-880-8810 - Source 3755) by \$10,000.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

W&M/Budget - Your Committee recommends that the proper City Officers be authorized to offer Step 4 to Ed Kepler (Set forth in Petn No 270885), for the position of Systems Integrator VI in the Attorney's System Application Support Division.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

W&M/Budget - Your Committee recommends that the proper City Officers be authorized to offer Step 6 to Chris Burow (Set forth in Petn No 270885), for the position of Systems Integrator VI in the Police System Application Support Division.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

W&M/Budget - Your Committee, having under consideration recommended policies and procedures for City Council Members, now recommends approval of the following:

- a) Revised guidelines for Council Committee meetings.
- b) 2006 City Council Ward Budget Guidelines.
- c) Professional Development Policy for City Council Members and Council Staff.
- d) Furnishing Standards for Council Offices.

(Petrn No 270886)

Adopted 12/23/05.

Absent - Samuels, Lilligren.

W&M/Budget - Your Committee, having under consideration the lease agreement for voting equipment, now recommends that the proper City Officers be authorized to:

a) terminate agreement contract #015302 relating to the lease of voting equipment dated August 3, 1999 and approved by the City Council on May 5, 2000;

b) execute a new Lease Agreement (Hennepin County # A052260) between the City of Minneapolis and Hennepin County for existing voting equipment and new voting equipment as required by the federal Help America Vote Act of 2002 and state statutes; and

c) recommend that the county execute a maintenance agreement with the vendor for existing equipment to be paid by the City at a rate of \$128 per unit (144 units) beginning January 1, 2006, and the new ballot marking voting equipment (upon expiration of the warranty period on December 31, 2006), with the cost of said maintenance agreement to be paid by the City at a rate not to exceed \$310 per unit (144 units) beginning January 1, 2007 to be payable from the Elections and Registrations Agency Appropriation in the General Fund (0100-264-2643).

(Petrn No 270886)

Adopted 12/23/05.

Absent - Samuels, Lilligren.

W&M/Budget - Your Committee, having under consideration the New Central Library Project, now recommends approval of Change Order No. 10 increasing Contract #C-20481 with PCL Construction Services, Inc. by \$196,713, for a new contract total of \$20,709,698.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

Approved by Mayor Rybak 12/23/05.

(Published 12/29/05)

W&M/Budget - Your Committee recommends concurrence with the recommendation of the New Central Library Project Implementation Committee that the construction management services contract #017612 with Mortenson/Thor be amended by increasing the contract by \$281,000 for a new contract total of \$6,521,088.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

Approved by Mayor Rybak 12/23/05.

(Published 12/29/05)

W&M/Budget - Your Committee recommends approval of a second January 2006 utility billing insert on behalf of the Utility Bill Division informing residents about the 2006 Utility Billing rates.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

W&M/Budget - Your Committee recommends passage of the accompanying resolution not included in the original action, passed on December 2, 2005 by the City Council, conditionally granting the transfer application from Time Warner Cable, Inc. to Comcast Corporation.

Adopted 12/23/05. Yeas, 10; Nays, 1 as follows:

Yeas - Niziolek, Benson, Goodman, Hodges, Johnson, Colvin Roy, Zimmermann, Schiff, Johnson Lee, Ostrow.

Nays - Zerby.

Absent - Samuels, Lilligren.

Resolution 2005R-697, conditionally granting the transfer application from Time Warner Cable, Inc. to Comcast Corporation, was adopted 12/23/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-697

By Johnson

Conditionally granting the application of Comcast Corporation for approval of the transfer of ownership and control of the city of Minneapolis cable franchise and cable communication system currently owned by KBL Cablesystems of Minneapolis, Limited Partnership, d/b/a Time Warner Cable.

Whereas, the City of Minneapolis, Minnesota ("City") has granted a nonexclusive cable television franchise ("Franchise") to KBL Cablesystems of Minneapolis, LP d/b/a Time Warner Cable (the "Franchisee"), to provide cable television service via a cable system (the "System"); and

Whereas, Adelphia Communications Corporation ("Adelphia") has agreed to sell substantially all of its cable systems to Time Warner Cable, Inc. and Comcast Corporation, as part of its Plans of Reorganization filed in its bankruptcy proceeding before the United States Bankruptcy Court for the Southern District of New York; and

Whereas, Comcast Corporation owns a 17.9% interest in Time Warner Cable, Inc. Class A Common Stock and a 4.7% interest in Time Warner Entertainment Company, Limited Partnership; and

Whereas, Time Warner Cable, Inc. has agreed to pay Comcast over \$1.9 Billion in cash and swap certain existing cable systems, and cable systems it has agreed to purchase, from Adelphia in exchange for the Time Warner Cable, Inc. Class A Common Stock; and

Whereas, Comcast Cable Communications Holdings, Inc., a Delaware corporation, MOC Holdco II, Inc., a Delaware corporation, TWE Holdings I Trust, a Delaware statutory trust, TWE Holdings II Trust, a Delaware statutory trust, Comcast Corporation, a Pennsylvania corporation, Cable Holdco II, Inc., a Delaware corporation, Time Warner Cable Inc., a Delaware corporation ("TWCI"), TWE Holding I LLC, a Delaware limited liability company, and Time Warner, Inc., a Delaware corporation, have entered into a Redemption Agreement (the "Agreement") dated as of April 20, 2005; and

Whereas, according to the FCC Form 394 and related documents filed by Comcast Corporation and TWCI, the Franchisee's System and Franchise will be assigned from the Franchisee to TWCI and then to Cable Holdco II, Inc. (the "New Franchisee"), a wholly-owned subsidiary of TWCI, and all of the stock of the New Franchisee will be acquired by MOC Holdco II, Inc. (the "Transferee"), an indirect wholly-owned subsidiary of Comcast Corporation (the "Proposed Transaction"); and

Whereas, under the Proposed Transaction, the New Franchisee, the Transferee and the New Franchisee's ultimate parent corporation will be different and the ultimate ownership and control of the Franchise and the System will change; and

Whereas, the City has concluded the Proposed Transaction will result in a change of ownership and control of the Franchise and the System; and

Whereas, the Proposed Transaction requires the prior written approval of the City; and

Whereas, the FCC Form 394 (submitted June 16, 2005), together with certain attached materials, including Adelphia's Second Amended Joint Plan of Reorganization Under Chapter 11 of the Bankruptcy Code (June 24, 2005), which documents more fully describe the Proposed Transaction and which documents, with their attachments, contain certain promises, conditions, representations and warranties (the "Transfer Application"); and

Whereas, a Third Amended Plan of Reorganization for Adelphia Communications Corporations ("Adelphia") was filed on September 28, 2005, a Fourth Amended Plan of Reorganization was filed on November 8, 2005, and a revised Fourth Amended Plan of Reorganization was filed on November 15, 2005 ("Plans of Reorganization"), and

Whereas, Adelphia continues to caution that further amendments to the Plans of Reorganization are possible; and

Whereas, the Proposed Transaction is contingent to a certain degree upon the approval of Adelphia's Plans of Reorganization by the United States Bankruptcy Court for the Southern District of New York; and

Whereas, Comcast Corporation, through its subsidiaries, provided written responses to some of the data requests issued by the City, including directing the representatives of the City to publicly filed and available information, and information posted to Comcast Corporation and other websites (the "Data Request Responses"); and

Whereas, Comcast Corporation and its subsidiaries refused to provide certain requested data to the City, even though that data is relevant to understanding the Proposed Transaction and its impact; and

Whereas, the Transfer Application and the Data Request Responses provide inadequate information concerning the qualifications of the New Franchisee and the impact the Proposed Transaction will have on subscriber rates and services; and

Whereas, Comcast Corporation has indicated that the City should rely on its qualifications, rather than the New Franchisee's qualifications, even though it will not hold the Franchise or manage and operate the System on a day-to-day basis; and

Whereas, Comcast Corporation has refused to provide appropriate performance guarantees for the New Franchisee, even though such guarantees have been requested; and

Whereas, the City has reviewed the Transfer Application, the Data Request Responses, the Plans of Reorganization, and the November 21, 2005, "Report on the Proposed Transfer of the City of Minneapolis, Minnesota Cable Communications System and Franchise from KBL Cablesystems of Minneapolis, L.P. d/b/a Time Warner Cable to Time Warner Cable, Inc. and then to Cable Holdco II, Inc., an Indirect Wholly-Owned Subsidiary of Comcast Corporation" prepared by Bradley & Guzzetta, LLC, including the attachments thereto (the "Transfer Report"), and has considered all relevant factors, including (but not limited to) the New Franchisee's and Comcast Corporation's financial, technical, legal, managerial and character qualifications, Comcast Corporation's refusal to provide an appropriate performance guarantee for the New Franchisee and the Proposed Transaction's impact on Franchise renewal and compliance and services and rates; and

Whereas, the City has concluded that, for the reasons specified in the Transfer Report, which is incorporated herein by reference, Comcast and the New Franchisee have not independently demonstrated that the New Franchisee possesses financial, technical, management, and character qualifications sufficient to own and control the Franchise and to manage and/or operate the System; and

Whereas, the City has formally notified the Franchisee, in writing, of nine (9) instances wherein it has failed to substantially comply with material terms of the Franchise and/or applicable law and afforded the Franchisee an opportunity to cure; and

Whereas, the Franchise prevents the City from approving the Proposed Transaction and Transfer Application if the Franchisee has failed to construct a state-of-the-art dual integrated residential/institutional network, as outlined in the City's June 14, 2005 violation notice; and

Whereas, the Franchise expired on November 30, 2005, and has not been renewed; and

Whereas, the City wishes to preserve its rights with regard to the claims it raised in *City of Minneapolis v. Time Warner Cable, Inc. and KBL Cablesystems of Minneapolis, Limited Partnership* [Case No. 0:05-cv-00994-ADM-AJB]; and

Whereas, the City has concluded that, for the reasons specified in the Transfer Report, the New Franchisee and Comcast Corporation have not demonstrated that the Proposed Transaction will not have an adverse impact on subscriber rates and services in the City or that the Franchise may be transferred if the state-of-the-art dual integrated residential/institutional network has not been constructed; and

Whereas, in reliance upon the representations made by and on behalf of the Franchisee, the New Franchisee, the Transferee and/or Comcast Corporation, the City is willing to grant its consent to the Proposed Transaction, so long as those representations are complete and accurate, and the conditions set forth in this Resolution are satisfied at all times;

Now, Therefore, Be It Resolved by the City Council of The City of Minneapolis:

Section 1. That the City's consent to and approval of the Transfer Application is hereby GRANTED in accordance with the Franchise and applicable law, subject to the following conditions:

- 1.1 The City does not waive any Franchise violations, whether known or unknown, which may be identified as part of any technical audit completed prior to or after the consummation of the Proposed Transaction. TWCI and Comcast Corporation, or a subsidiary acceptable to the City, shall agree that they will be responsible and liable for such Franchise violations, and shall provide written guarantees acceptable to the City within thirty (30) days of the effective date of a transfer resolution;
- 1.2 The City does not waive any known or unknown yet existing Franchise non-compliance issues. TWCI and Comcast Corporation, or a subsidiary acceptable to the City, shall agree that they will be responsible and liable for any known or unknown yet existing non-compliance issues under the Franchise and applicable laws, regulations, standards, codes and decisions, and shall provide written guarantees acceptable to the City within thirty (30) days of the effective date of a transfer resolution;
- 1.3 The City does not waive any of its rights with regard to known and unknown underpayments of franchise fees. TWCI and Comcast Corporation, or a subsidiary acceptable to the City, shall agree that they will be responsible and liable for any known and unknown franchise fee underpayments, and shall provide written guarantees acceptable to the City within thirty (30) days of the effective date of a transfer resolution;
- 1.4 The City does not waive its rights to require payment of identified franchise fee underpayments, either from the Franchisee and its parent entities and/or subsidiaries, including (but not limited to) TWCI, or the New Franchisee and its parent entities, affiliates and subsidiaries, including (but not limited to) MOC Holdco II, Inc. and Comcast Corporation.
- 1.5 The New Franchisee or the Transferee, or a parent entity or subsidiary acceptable to the City, shall, within thirty (30) days of the effective date of a transfer resolution, provide the City with certificates of authority from the Office of the Minnesota Secretary of State verifying that Cable Holdco II, Inc. and MOC Holdco II, Inc. are duly qualified to transact business in the State of Minnesota.
- 1.6 Comcast Corporation must, within thirty (30) days of the effective date of a transfer resolution, provide a written performance guarantee for the New Franchisee, which guarantee shall be acceptable to the City, specifying that Comcast Corporation will be fully liable and/or responsible for (i) any violations, losses and obligations beyond the ability of the New Franchisee and/or the Transferee to address in connection with the management, operation and/or maintenance of the System and (ii) any and all past, present and future financial obligations under the Franchise in the same capacity as the Franchisee;
- 1.7 Comcast Corporation, or a subsidiary acceptable to the City, shall provide a written guarantee acceptable to the City within thirty (30) days of the effective date of a transfer resolution specifying that subscriber rates and charges in the City will not increase as a result of the Proposed Transaction;

- 1.8 Comcast Corporation, or one or more appropriate subsidiaries and affiliates acceptable to the City, shall provide a written guarantee acceptable to the City within thirty (30) days of the effective date of a transfer resolution specifying it and its subsidiaries and affiliates will not enter into exclusive agreements for affiliated or unaffiliated terrestrial and satellite-delivered programming, including sports programming, which would impact the City or subscribers;
- 1.9 Comcast Corporation and the Transferee shall affirmatively guarantee in writing, within thirty (30) days of the effective date of a transfer resolution, that they will not interfere, directly or indirectly, with the New Franchisee's ability to comply with its Franchise obligations, and applicable laws, codes, standards, decisions and regulations;
- 1.10 Comcast Corporation and the Transferee shall provide a written guarantee acceptable to the City, within thirty (30) days of the effective date of a transfer resolution, specifying that they will cause the New Franchisee to comply with the Franchise and applicable laws, regulations, standards, codes and decisions at all times;
- 1.11 The New Franchisee shall, within thirty (30) days of the effective date of a transfer resolution, affirm in writing, in a form acceptable to the City, its understanding of and obligation to comply with all Franchise requirements;
- 1.12 The New Franchisee and Comcast Corporation shall, within thirty (30) days of the effective date of a transfer resolution, provide an unqualified written commitment, acceptable to the City, to abide by all terms of the Franchise and applicable laws, regulations, codes, standards and decisions after the Proposed Transaction, and to assume all existing obligations, liabilities and responsibility for all acts and omissions under the Franchise and applicable law, known and unknown, including (but not limited to) all acts and omissions of the Franchisee and its parent entities, affiliates and subsidiaries;
- 1.13 The Franchisee or its lawful successor in interest must obtain a written Franchise renewal in a form acceptable to the City prior to the closing of the Proposed Transaction;
- 1.14 In the event the City finds after a public hearing that the Franchisee has not fully constructed a State-of-the-Art Dual Integrated Residential/Institutional Network, the Franchisee shall, prior to the closing of the Proposed Transaction, fully construct and provide to the City a dual state-of-the-art integrated residential/institutional network, as described in the June 14, 2005, written violation notice from the City entitled "Failure to Provide a State-of-the-Art Dual Integrated Residential/Institutional Network" or escrow sufficient funds for the construction of the network. All costs of construction shall not be passed through to subscribers nor shall escrowed funds be recovered from subscribers for the construction of the network;
- 1.15 In the event that the City exercises its option to appeal the U.S. District Court decision in the City of Minneapolis v. Time Warner Cable, Inc. and KBL Cablesystems of Minneapolis, Limited Partnership [Case No. 0:05-cv-00994-ADM-AJB], Comcast Corporation and TWCI shall, with within thirty (30) days of the effective date of a transfer resolution, agree in writing to fully and unconditionally guarantee all liability, if any, which may result from a successful appeal by the City and subsequent judicial or administrative proceedings concerning the City's claims in City of Minneapolis v. Time Warner Cable, Inc. and KBL Cablesystems of Minneapolis, Limited Partnership [Case No. 0:05-cv-00994-ADM-AJB];
- 1.16 Comcast Corporation or the New Franchisee shall reimburse the City for all fees and expenses it incurred in reviewing and acting on the Transfer Application. This reimbursement shall not be passed through to subscribers;
- 1.17 Neither the Franchise, nor any control thereof, nor the System, nor any part of the System located in the City's public rights-of-way or on the City's property, shall be assigned or transferred, in whole or in part, without filing a written application with the City and obtaining the City's prior written approval of such transfer or assignment, but only to the extent required by applicable law;

- 1.18 The City's approval of the Transfer Application is made without prejudice to, or waiver of, any right of the City to consider or raise claims based on the Franchisee's defaults, any failure to provide reasonable service in light of the community's needs, or any failure to comply with the terms and conditions of the Franchise, or with applicable laws, regulations, codes, standards and decisions;
- 1.19 The City waives none of its rights with respect to the Franchisee's compliance with the terms, conditions, requirements and obligations set forth in the Franchise and in applicable laws, regulations, codes, standards and decisions. The City's approval of the Transfer Application shall in no way be deemed to be a representation by City that the Franchisee is in compliance with all of its obligations under the Franchise and applicable laws, regulations, codes, standards and decisions;
- 1.20 After the Proposed Transaction, the New Franchisee will be bound by all the commitments, duties, and obligations, past, present and continuing, embodied in the Franchise and applicable laws, regulations, codes, standards and decisions. The Proposed Transaction will have no effect on these obligations, commitments and duties;
- 1.21 After the Proposed Transaction is consummated, the New Franchisee will be responsible for all past acts and omissions, known and unknown, of the Franchisee under the Franchise and applicable laws, codes, standards, decisions and regulations for all purposes, including (but not limited to) Franchise renewal and Franchise enforcement to the same extent and in the same manner as the Franchisee and its parents, subsidiaries and affiliates were responsible before the Proposed Transaction. The transfer and assignment of the Franchise from the Franchisee to TWCI shall not waive or void the New Franchisee's responsibility for past acts and omissions, known and unknown, of the Franchisee under the Franchise and applicable laws, codes, standards, decisions and regulations for all purposes;
- 1.22 The conditioned approval of the Transfer Application does not amend or alter the Franchise or any requirements therein in any way, and all provisions of the Franchise remain in full force and effect and are enforceable in accordance with their terms and with applicable law;
- 1.23 The Proposed Transaction shall not permit the Franchisee, its parent entities or affiliates, the New Franchisee and Comcast Corporation or any of its affiliates or subsidiaries to take any position or exercise any right with respect to the Franchise and the relationship thereby established with the City that could not have been exercised prior to the Proposed Transaction;
- 1.24 The City reserves all of its rights with respect to the New Franchisee's future compliance with the terms, conditions, requirements and obligations set forth in the Franchise;
- 1.25 The City is not waiving any rights it may have to require franchise fee payments on present and future services delivered by the New Franchisee or its subsidiaries via the cable system;
- 1.26 The City is not waiving any right it may have related to any open access issue and information services;
- 1.27 The conditioned approval of the Proposed Transaction and Transfer Application shall not constitute a waiver or release of any of the rights of the City under the Franchise and applicable laws, codes, standards, decisions and regulations, whether arising before or after the date of consummation of the Proposed Transaction;
- 1.28 Receipt of any and all state and federal approvals and authorizations; and
- 1.29 Actual closing of the Proposed Transaction consistent with the Transfer Application.

Section 2. Be It Further Resolved that if any of the conditions specified in Section 1 are not completely satisfied at all times, then the City's consent to, and approval of, the Transfer Application and Proposed Transaction is hereby DENIED and void as of the date hereof.

Section 3. Be It Further Resolved that nothing in this Resolution shall waive or limit the City's right to terminate the Franchise in accordance with its terms.

Section 4. Be It Further Resolved that the City expressly reserves the right to purchase the System in accordance with the Franchise.

Section 5. Be It Further Resolved that the New Franchisee or Comcast Corporation shall reimburse the City for the actual professional fees and expenses it incurred in reviewing and acting on the Transfer Application. The City will present a single invoice to the New Franchisee, itemizing the fees and expenses incurred. The New Franchisee or Comcast Corporation shall remit payment for such professional fees and expenses within thirty (30) days of its receipt of the invoice. Such payment shall be made directly to the City and not through a payment to any other entity. The New Franchisee and Comcast Corporation shall not assert any right they may have to claim that the reimbursement made under this Resolution shall be considered a franchisee fee. In addition, Comcast Corporation and the New Franchisee shall not pass the reimbursement paid pursuant to this paragraph through to subscribers.

Section 6. Be It Further Resolved that if any of the oral or written representations made to the City by (i) the Franchisee, (ii) TWCI, (iii) the New Franchisee, (iv) the Transferee (v) Comcast Corporation or (vi) any subsidiary of the foregoing prove to be materially incomplete, untrue or inaccurate in any respect, it shall be deemed a material breach of the Franchise, and the City shall have available to it all rights and remedies under the Franchise and applicable law, including, without limitation, revocation or termination of the Franchise.

Section 7. Be It Further Resolved that this Resolution shall not be construed to grant or imply the City Council's consent to any other transfer or assignment of the Franchise and/or the System, or any other transaction that may require the City's consent under the Franchise, or applicable law. The City reserves all its rights with regard to any such transactions.

Section 8. Be It Further Resolved that this Resolution is a final decision on the Transfer Application within the meaning of 47 U.S.C. § 537.

Section 9. Be It Further Resolved that the transfer of ownership and control of the Franchise and the System from the Franchisee to TWCI, from TWCI to the New Franchisee, and from the New Franchisee to the Transferee shall not take effect until the consummation of the Proposed Transaction.

Section 10. Be It Further Resolved that this Resolution shall be effectively immediately upon its adoption by the City.

Adopted 12/23/05. Yeas, 10; Nays, 1 as follows:

Yeas - Niziolek, Benson, Goodman, Hodges, Johnson, Colvin Roy, Zimmermann, Schiff, Johnson Lee, Ostrow.

Nays - Zerby.

Absent - Samuels, Lilligren.

W&M/Budget - Your Committee recommends passage of the accompanying resolution
a) approving appointments to the Minneapolis Empowerment Zone (EZ) Governance Board; and
b) reopening the process for a resident youth representative.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

Resolution 2005R-698, approving the re-appointment of Arlene El-Amin and the appointment of Alicia Phillips to the Minneapolis Empowerment Zone (EZ) Governance Board and reopening the process for a resident youth representative, was adopted 12/23/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-698
By Johnson

Approving appointments to the Minneapolis Empowerment Zone (EZ) Governance Board.

Resolved by The City Council of The City of Minneapolis:

That the City Council concurs with the recommendation of the EZ Executive Committee in the a) Re-appointment of Arlene El-Amin and the appointment of Alicia Phillips replacing Lee Antel to the EZ Governance Board for terms to expire on September 20, 2008; and b) Reopening the process for a resident youth representative.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

W&M/Budget - Your Committee, having under consideration the Annual Property Insurance Premium for the Minneapolis Convention Center, Talmedge Building, and Parking Ramp, now recommends:

a) Authorizing the City's Finance Officer to review options for property insurance for the Convention Center, (including the Talmedge Building, and Parking Ramp) for January 1, 2006 coverage;

b) Acceptance of the XL Insurance quote of \$316,861 plus the Minneapolis Surcharge and lock in the binder for the 2006 property coverage; and

c) Acceptance of the quote for additional terrorism coverage.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

W&M/Budget - Your Committee recommends acceptance of the Third Quarter 2005 list of donations made to the City of Minneapolis valued under \$1,000, as set forth in Petn No 270890 on file in the Office of the City Clerk.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

W&M/Budget - Your Committee recommends passage of the accompanying Resolution setting the salary schedule for 2006 through 2009 for the Mayor and Council Members.

Johnson moved to substitute the following resolutions for the above-mentioned resolution. Seconded.

Adopted by unanimous consent.

Absent - Samuels, Lilligren.

Zerby moved to divide the resolution so as to consider separately that portion relating to car allowance for council members. Seconded.

Adopted by unanimous consent 12/23/05.

Absent - Samuels, Lilligren.

W&M/Budget - Your Committee recommends passage of the accompanying Resolution setting the salary schedule for 2006 through 2009 for the Mayor and Council Members.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

Resolution 2005R-699, setting the salary schedule for 2006 - 2009 for the Mayor and Council Members, was adopted 12/23/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-699

By Johnson

Setting the salary schedule for 2006 through 2009 for Mayor and Council Members.

Whereas, Laws of Minnesota 1971, Chapter 744, Section 3, authorizes the City Council by resolution to fix the annual salary of the Mayor and each Council Member prior to the commencement of the term for which the Mayor and Council Member has been elected; and

Whereas, the City Council last set the salary schedule for the Mayor and Council Members in December of 2001;

Now, Therefore, Be It Resolved by the City Council of the City of Minneapolis:

That the salary schedule for the Mayor and each Council Member for the four-year term commencing January 3, 2006, and ending January 3, 2010, shall be set in the following fashion:

For the first two succeeding years of the term, the salary shall be set by adopting a two percent salary increase annually. For the third and fourth succeeding year of the term, the percentage salary increase for the Mayor and each Council Member shall be the average percentage salary increase, inclusive of step increases, of the collective bargaining agreements approved by the City Council in the preceding year.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

W&M/Budget - Your Committee recommends passage of the accompanying Resolution authorizing car allowance for each of the City Council Members for 2006 through 2009.

Adopted 12/23/05. Yeas, 7; Nays, 4 as follows:

Yeas - Niziolek, Benson, Goodman, Johnson, Colvin Roy, Schiff, Johnson Lee.

Nays - Hodges, Zimmermann, Zerby, Ostrow.

Absent - Samuels, Lilligren.

Resolution 2005R-700, authorizing car allowance for each member of the City Council for 2006 through 2009, was adopted 12/23/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-700

By Johnson

Authorizing Car Allowance for each member of the City Council for 2006 through 2009.

Whereas, Laws of Minnesota, 1963, Chapter 744, authorizes the City Council by ordinance to provide for the payment of automobile allowance to any City officer or employee who officially uses his or her own automobile for the performance of public duties; and

Whereas, the City of Minneapolis has authorized the payment of automobile allowances in Minneapolis Code of Ordinances, Chapter 20, Article IX;

Now, Therefore, Be It Resolved by the City Council of the City of Minneapolis:

That each member of the City Council shall be entitled to an automobile allowance equal to the Type B automobile allowance provided for in Minneapolis Code of Ordinances, Chapter 20, Article IX; such allowance not to exceed \$400.00 (four hundred) per month in the event Article IX is amended during the four-year term commencing January 3, 2006 and ending January 3, 2010.

Adopted 12/23/05. Yeas, 7; Nays, 4 as follows:

Yeas - Niziolek, Benson, Goodman, Johnson, Colvin Roy, Schiff, Johnson Lee.

Nays - Hodges, Zimmermann, Zerby, Ostrow.

Absent - Samuels, Lilligren.

W&M/Budget - Your Committee recommends passage of the accompanying resolution approving the terms of a 2-year labor agreement with the International Alliance of Theatrical State Employees (IATSE), Local #13, Production Technicians Unit, effective January 1, 2005 through December 31, 2006.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

Resolution 2005R-701, approving the terms of a 2-year labor agreement with the International Alliance of Theatrical State Employees (IATSE), Local #13, Production Technicians Unit, was adopted 12/23/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-701
By Johnson

Approving the terms of a collective bargaining agreement with the International Alliance of Theatrical Stage Employees, Local #13, Production Technicians Unit and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the International Alliance of Theatrical Stage Employees, Local #13, Production Technicians Unit (as set forth in Petn No 270891), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

W&M/Budget - Your Committee recommends passage of the accompanying resolution approving the terms of a 3-year labor agreement with the Minneapolis Building and Construction Trades Council, AFL-CIO, Trades Unit, effective May, 1 2005 through April 30, 2008.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

Resolution 2005R-702, approving the terms of a 3-year labor agreement with the Minneapolis Building and Construction Trades Council, AFL-CIO, Trades Unit, was adopted 12/23/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-702
By Johnson

Approving the terms of a collective bargaining agreement with the Minneapolis Building and Construction Trades Council, AFL-CIO, Trades Unit and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the Minneapolis Building and Construction Trades Council, AFL-CIO, Trades Unit (as set forth in Petn No 270891), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

W&M/Budget - Your Committee recommends passage of the accompanying resolution approving the terms of a 2-year labor agreement with the International Union of Operating Engineers, Local #70, effective October, 1 2005 through September 30, 2007.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

Resolution 2005R-703, approving the terms of a 2-year labor agreement with the International Union of Operating Engineers, Local #70, was adopted 12/23/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-703

By Johnson

Approving the terms of a collective bargaining agreement with the International Union of Operating Engineers, Local #70 and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the International Union of Operating Engineers, Local #70 (as set forth in Petn No 270891), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

W&M/Budget - Your Committee, having under consideration the 2006 salary adjustments for City appointed and non-represented employees, now recommends that the following salary schedules be enhanced as noted:

a) Appointed employees (including political appointees) by 1.40% across the board, effective January 1, 2006, or the beginning of the payroll period nearest January 1, 2006, allowing step movement as defined by the Appointed Pay Plan;

b) Non-represented employees by 1.46% to the top step only, effective January 1, 2006, or the beginning of the payroll period nearest January 1, 2006, allowing step movement as defined by non-represented pay plan.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

W&M/Budget - Your Committee recommends approval of the recommendation of the Director of Human Resources regarding the position, Director Operations, Licensing and Environmental Services (grade 15 with 713 points), effective November 1, 2005.

Your Committee further recommends passage of the accompanying Salary Ordinance establishing the salary for said position.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

Ordinance 2005-Or-146, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, establishing the salary for the position of Director Operations, Licensing and Environmental Services, was adopted 12/23/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-146
By Johnson
1st & 2nd Readings: 12/23/05

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

Appointed Officials (CAP)
Effective: November 1, 2005

FLSA	OTC	CLASSIFICATION	P	G	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B"	Step D After 3 "C"
E	1	Director Operations, Licensing and Environmental Services	713	15	A	\$97,906	\$103,059	\$106,151	\$108,212

Adopted 12/23/05.
Absent - Samuels, Lilligren.

W&M/Budget - Your Committee recommends approval of the recommendation of the City Coordinator regarding the position, Controller (grade 14 with 640 points), effective January 1, 2004.

Your Committee further recommends passage of the accompanying Salary Ordinance establishing the salary for said position.

Adopted 12/23/05.
Absent - Samuels, Lilligren.

Ordinance 2005-Or-147, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, establishing the salary for the position of Controller, was adopted 12/23/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-147
By Johnson
1st & 2nd Readings: 12/23/05

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

Appointed Officials (CAP)

Effective: January 1, 2004

FLSA	OTC	CLASSIFICATION	P	G	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B"	Step D After 3 "C"
E	1	Controller	640	14	A	\$86,530	\$91,084	\$93,817	\$95,638

Effective: January 1, 2005

FLSA	OTC	CLASSIFICATION	P	G	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B"	Step D After 3 "C"
E	1	Controller	640	14	A	\$87,697	\$92,213	\$95,082	\$96,929

Effective: January 1, 2006

FLSA	OTC	CLASSIFICATION	P	G	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B"	Step D After 3 "C"
E	1	Controller	640	14	A	\$88,926	\$93,606	\$96,414	\$98,286

Adopted 12/23/05.

Absent - Samuels, Lilligren.

W&M/Budget - Your Committee recommends concurrence with the Executive Committee in approving the reclassification of the position of Communications Director from Grade 13 (620 points) to Grade 14 (655 points), effective July 1, 2003.

Your Committee further recommends passage of the accompanying Salary Ordinance establishing the salary for said reclassified position.

Adopted 12/23/05. Yeas, 9; Nays, 2 as follows:

Yeas - Niziolek, Benson, Goodman, Hodges, Johnson, Colvin Roy, Zimmermann, Schiff, Ostrow.

Nays - Zerby, Johnson Lee.

Absent - Samuels, Lilligren.

Ordinance 2005-Or-148, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, approving the salary for the reclassified position of Communications Director, was adopted 12/23/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-148
By Johnson
1st & 2nd Readings: 12/23/05

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

Appointed Officials (CAP)

Effective: July 1, 2003

FLSA	OTC	CLASSIFICATION	P	G	P	Step A Start rate	Step B After 1 "A" year	Step C After2 "B"	Step D After 3 "C"
E	1	Director, Communications	655	14	A	\$87,290	\$91,884	\$94,641	\$96,478

Effective: January 1, 2004

FLSA	OTC	CLASSIFICATION	P	G	P	Step A Start rate	Step B After 1 "A" year	Step C After2 "B"	Step D After 3 "C"
E	1	Director, Communications	655	14	A	\$88,599	\$93,262	\$96,060	\$97,925

Effective: January 1, 2005

FLSA	OTC	CLASSIFICATION	P	G	P	Step A Start rate	Step B After 1 "A" year	Step C After2 "B"	Step D After 3 "C"
E	1	Director, Communications	655	14	A	\$89,796	\$94,522	\$97,358	\$99,248

Effective: January 1, 2006

FLSA	OTC	CLASSIFICATION	P	G	P	Step A Start rate	Step B After 1 "A" year	Step C After2 "B"	Step D After 3 "C"
E	1	Director, Communications	655	14	A	\$91,053	\$95,845	\$98,720	\$100,637

Adopted 12/23/05. Yeas, 9; Nays, 2 as follows:

Yeas - Niziolek, Benson, Goodman, Hodges, Johnson, Colvin Roy, Zimmermann, Schiff, Ostrow.

Nays - Zerby, Johnson Lee.

Absent - Samuels, Lilligren.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend the group short-term disability insurance through ING/ReliaStar Life Insurance Company for eligible employees, effective January 1, 2006.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

Approved by Mayor Rybak 12/23/05.

(Published 12/29/05)

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute amendments to the City of Minneapolis Deferred Compensation Plan ("Plan") to incorporate, among other things, IRS issued Model Amendments and recent developments in the laws applicable to the Plan.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to a) Execute an amended and restated City of Minneapolis Health Reimbursement Arrangement Plan to be effective January 1, 2006 relating to death benefit changes;

- b) Update and re-execute the City of Minneapolis Health Reimbursement Arrangement Trust; and
- c) Create a committee of labor and management, the VEBA Investment Committee.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

W&M/Budget - Your Committee recommends concurrence with the Executive Committee in approving the reclassification of the position of Executive Director, Convention Center to Assistant City Coordinator, Convention Center with no change in total points or salary.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

W&M/Budget - Your Committee recommends that the Fire Department and Human Resources Department be authorized to accept a \$20 application fee from individuals who apply for the position of Firefighter Cadet.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept an award of \$723,200 and execute a contract with the United States Environmental Protection Agency (EPA) to provide funding for the Combined Sewer Overflow (CSO) Project #SW005.

Further passage of the accompanying resolutions appropriating \$723,200 to the Public Works - Sewer Construction Agency in both the Capital and General Appropriation Resolutions.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

Approved by Mayor Rybak 12/23/05.

(Published 12/29/05)

RESOLUTION 2005R-704

By Johnson

Amending The 2005 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Public Works - Sewer Construction Agency in the Storm Water Fund (7300-932-9322) by \$723,200.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

Approved by Mayor Rybak 12/23/05.

(Published 12/29/05)

RESOLUTION 2005R-705

By Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Public Works - Sewer Construction Agency in the Federal Grant Fund (0300-932-9322) by \$723,200, and increasing the revenue source (0300-932-9322 - Source 3210) by \$723,200.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

Approved by Mayor Rybak 12/23/05.

(Published 12/29/05)

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by Gateway Commons, LLC from the decision of the Heritage Preservation Commission denying an application for Certificate of Appropriateness for demolition of the Janney Building, 110 E 18th St in the Stevens Square Historic District, now recommends that said appeal be denied, and that the findings prepared by the Heritage Preservation Commission staff be adopted.

Adopted 12/23/05. Yeas, 10; Nays, 1 as follows:

Yeas – Niziolek, Benson, Goodman, Hodges, Johnson, Colvin Roy, Schiff, Zerby, Johnson Lee, Ostrow.

Nays – Zimmermann.

Absent – Samuels, Lilligren.

Z&P - Your Committee, having under consideration the appeal filed by Gateway Commons, LLC from the decision of the Heritage Preservation Commission (HPC) denying an application for Certificate of Appropriateness for construction of a 23-story tower at 110 E 18th St in the Stevens Square Historic District, now recommends that said appeal be denied, and that the findings prepared by the Heritage Preservation Commission staff be adopted.

Adopted 12/23/05.

Absent – Samuels, Lilligren.

Z&P - Your Committee, having under consideration the appeal filed by Anderson and Lisa Mitchell from the decision of the Heritage Preservation Commission (HPC) approving an application for a Certificate of Appropriateness to rehabilitate the locally designated concrete block house at 2705 – 3rd St N, but not allowing a second floor porch addition and third floor deck, now recommends that said appeal be forwarded without recommendation.

Schiff moved to amend the report by deleting the language, “forwarded without recommendation” and inserting in lieu thereof, “granted and the Certificate of Appropriateness be approved, subject to the following conditions: a) Repair of historic front door is preferred, but if applicant chooses to replace the door, then the new door must closely resemble the materials, paneling and window pattern of the historic door. The front door design must be approved by HPC staff; b) The second floor front porch addition, third floor deck and gable door are approved. The second floor porch must remain an open porch; c) The first floor front porch and second floor porch must match original design and must have turned columns that match the two remaining historic ones. HPC staff must approve the final design; and d) The transom addition over the front window is not approved.” Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 12/23/05.

Absent – Samuels, Lilligren.

Z&P - Your Committee, having under consideration the appeal filed by Janet Lederle, on behalf of Susan and Darrel Schaffer, from the decision of the Board of Adjustment denying an application for a variance to reduce the required interior side yard setback from 6' to 1' to allow for a two-story addition that includes an attached garage at 500 Prospect Ave, now recommends that said appeal be granted and the application be approved for a variance to reduce setback from 6' to 3', and that the revised plans

be approved, subject to the removal of any egress or entrance to the second floor porch area (decorative only), and that shrubbery and landscaping be enhanced on the north interior property line.

Adopted 12/23/05.

Absent – Samuels, Lilligren.

Z&P - Your Committee, having under consideration the appeal filed by Swervo Development Corporation from the decision of the Planning Commission denying an application for a) a conditional use permit for 53 new dwelling units at 618 Washington Ave N; and b) site plan review, now recommends:

a) That the appeal be granted and the conditional use permit be approved, subject to revised first floor plans which shall include commercial uses for units identified as 201, 202 and 203 (lower level); and

b) That the appeal be granted and site plan review be approved, subject to the following conditions: 1) not less than 13 shrubs are located on the final landscaping plan as required by section 530.160 of the zoning code; 2) Planning staff review and approval of the final site plan, landscaping plan, and building elevations; 3) a minimum of one van-accessible parking space will be provided in the enclosed parking garage; 4) site improvements required shall be completed by 12/2/06, unless extended by the zoning administrator, or the permit may be revoked for non-compliance; and 5) the applicant shall work with staff to review the entrances/exits for the revised first floor plan in regards to historic integrity.

Your Committee further recommends that the Findings of Fact prepared by the City Attorney's Office and on file in the Office of the City Clerk be adopted and made a part of this report by reference.

Adopted 12/23/05.

Absent – Samuels, Lilligren.

Z&P – Your Committee, having under consideration the recommendation of the Planning Commission which denied the petition of Swervo Development Corporation (BZZ-2688) to rezone the property at 618 Washington Ave N from I2 to the C3A District and to remove the Industrial Living Overlay District to permit 53 new condominium dwelling units, now recommends approval of the petition to rezone, and that the findings prepared by the Department of Planning & Economic Development staff be adopted.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 12/23/05.

Absent – Samuels, Lilligren.

Ordinance 2005-Or-149 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 618 Washington Ave N to the C3A District and removing the Industrial Living Overlay District, was adopted 12/23/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-149

By Schiff

1st & 2nd Readings: 12/23/05

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. Lot 3 and southeasterly 44 feet of Lot 2; Northwesterly 6 feet of lot 4 including adjacent vacated alley; All in block 030, Town of Minneapolis, situated in the State of Minnesota, County of Hennepin (618 Washington Ave N - Plate 13) to the C3A District and by removing the Industrial Living Overlay District.

Adopted 12/23/05.

Absent – Samuels, Lilligren.

Z&P - Your Committee, having under consideration the appeal filed by Tower Lofts, LLLP, from the decision of the Planning Commission granting the application of Swervo Development Corporation for a conditional use permit to increase the maximum permitted height of the building at 618 Washington Ave N from four to seven stories, now recommends that said appeal be denied, and the conditional use permit approved, subject to the condition that a 17 foot setback be required from the northwest property line for the proposed 7th story addition to allow proper access to light and air for residents of the units of dwelling units on the adjacent property that have windows that face the proposed addition, and that the related findings prepared by the Community Planning & Economic Development staff be adopted.

Adopted 12/23/05.

Absent – Samuels, Lilligren.

Z&P - Your Committee, having under consideration the appeal filed by KK-Five Corporation from the decision of the Planning Commission denying applications for a) a conditional use permit to allow a planned residential development at 3601 and 3609 E 43rd St and 4360 Snelling Ave; and b) site plan review for the proposal to construct two residential buildings with a total of 233 dwelling units, now recommends:

a) That the appeal be granted and conditional use permit be approved and that the related findings prepared by the Community Planning & Economic Development staff be adopted; and

b) That the appeal relating to the site plan review be forwarded without recommendation.

Colvin Roy moved to amend paragraph “b” of the report by deleting the language, “forwarded without recommendation,” and inserting in lieu thereof, “granted, and the site plan review be approved, with the condition that the plan include an additional pedestrian entrance leading to 44th St, and that the related findings prepared by the Community Planning & Economic Development staff be adopted.” Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 12/23/05.

Yeas, 8; Nays, 3 as follows:

Yeas – Benson, Goodman, Hodges, Johnson, Colvin Roy, Schiff, Johnson Lee, Ostrow.

Nays – Niziolek, Zimmermann, Zerby.

Absent – Samuels, Lilligren.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of KK-Five Corporation (BZZ-2699) to rezone the properties at a) 3601-09 E 43rd St from I1 to the R5 District; and b) 4360 Snelling Ave from R1A to the R5 District to permit a planned unit development to allow two residential buildings with a total of 233 dwelling units, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 12/23/05.

Absent – Samuels, Lilligren.

Niziolek moved to reconsider the vote on the above report. Seconded.

Adopted upon a voice vote.

The report was adopted 12/23/05. Yeas, 9; Nays, 2 as follows:

Yeas – Benson, Goodman, Hodges, Johnson, Colvin Roy, Schiff, Zerby, Johnson Lee, Ostrow.

Nays – Niziolek, Zimmermann.

Absent – Samuels, Lilligren.

Ordinance 2005-Or-150 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 3601-09 E 43rd St and 4360 Snelling Ave to the R5 District, was adopted 12/23/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-150
By Schiff
1st & 2nd Readings: 12/23/05

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcels of land to the R5 District (Plate 34), pursuant to MS 462.357:

A. That part of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10; The adjoining vacated alley lying between the extensions across it of the East line of Lot 3 and the North line of Lot 10; All in Block 2, Wenonah Addition Minneapolis Minn; That part of Lot 14 lying West of Snelling Avenue; That part of Lot 15 lying West of a line parallel with and distant 128 feet West from Westerly line of Snelling Avenue; Plat Of The Distribution Of A Part Of The Estate Of Annie E. Steele Dec'd; Lots 4, 5, 6 and 7, Block 2, "A. Odden's Addition" to Minneapolis, Minnesota (3601-09 E 43rd St).

B. That part of Lot 3, Block 2, "A. Odden's Addition" to Minneapolis, Minnesota, according to the recorded plat thereof, Hennepin County, Minnesota (4360 Snelling Ave S).

Adopted 12/23/05. Yeas, 9; Nays, 2 as follows:

Yeas – Benson, Goodman, Hodges, Johnson, Colvin Roy, Schiff, Zerby, Johnson Lee, Ostrow.

Nays – Niziolek, Zimmermann.

Absent – Samuels, Lilligren.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of 1805 E. Hennepin, LLC (#1438) to vacate an irregularly-shaped storm sewer easement in a previously vacated eastern portion of the right-of-way of Stinson Blvd located directly north of E Hennepin Ave for the expansion of the building for the Skyway Events Service Company, subject to retention of easement rights by Xcel Energy and Qwest, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said easement.

Adopted 12/23/05.

Absent – Samuels, Lilligren.

Resolution 2005R-706, vacating an irregularly shaped easement in the previously vacated eastern portion of the right-of-way of Stinson Blvd. located directly north of E Hennepin Ave, was adopted 12/23/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-706
By Schiff

Vacating an irregularly shaped easement in the previously vacated eastern portion of the right-of-way of Stinson Blvd. located directly north of East Hennepin Avenue (#1438).

Resolved by The City Council of The City of Minneapolis:

That all that part of the Storm Sewer Easement (Doc. No. 7847608) as reserved over, under, and across the westerly 25 feet of Lot 4, Block 25, Minneapolis Industrial District, according to the plat thereof, filed of record at the Hennepin County Records Office, Minneapolis, Minnesota; and all that part of the Storm Sewer Easement (Doc. No. 8533308) as reserved over, under, and across all of the irregularly shaped parcel located east of Stinson Boulevard and north of East Hennepin Avenue, encompassing approximately 6,366 square feet, and filed of record at the Hennepin County Records Office, Minneapolis, Minnesota is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy and Quest, their successors and assigns, to enter upon that portion of the aforescribed irregularly shaped area.

Adopted 12/23/05.

Absent – Samuels, Lilligren.

Z&P - Your Committee concurs in the recommendation of the Planning Commission in granting the application of Lars Olson (#1470) to vacate an alley between the existing north/south alley between Cleveland and Arthur Sts NE and the already vacated northwesterly alley toward Cleveland St NE (vicinity of 2066 St Anthony Pkwy), for use as a driveway and landscaped area for the existing single family residence, subject to retention of easement rights by Xcel Energy, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said alley.

Adopted 12/23/05.

Absent – Samuels, Lilligren.

Resolution 2005R-707, vacating the northwesterly portion of the vacated alley off Cleveland St NE between St Anthony Parkway and 28th Ave NE, up to the existing north/south alley between Cleveland St NE and Arthur St NE, was adopted 12/23/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-707

By Schiff

Vacating the northwesterly portion of the vacated alley off Cleveland St. NE between St. Anthony Parkway and 28th Ave NE, up to the existing north/south alley between Cleveland St NE and Arthur St NE (#1470).

Resolved by The City Council of The City of Minneapolis:

That part of the Alley as dedicated in Block 5, Thorpe Brothers Shady Oaks Addition to Minneapolis, more particularly described as follows: That all that portion of the alley as laid out between Lots 6, 7, and 8, Thorpe Brothers Shady Oaks Addition, extending from a line drawn on the westerly line of Lot 8, distant 100 feet northerly from the southerly line of said lot, thence northeasterly to a point in the southwesterly line of Lot 7, distant 20 feet southeasterly from the most westerly corner of said Lot and extending from the above described line to a line extended from the west line of Lot 8, to the southerly line of Lot 6, Block 5, Thorpe Bros. Shady Oaks Addition, Hennepin County, Minnesota is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy, its successors and assigns, to enter upon that portion of the afore described street which is described in regard to each of said corporation(s) as follows, to wit:

As to Xcel Energy: An area for electric distribution facilities over, under and across the referenced vacation.

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said alley upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 12/23/05.

Absent – Samuels, Lilligren.

Z&P - Your Committee concurs in the recommendation of the Planning Commission in denying the application of Augsburg College (#1471) to vacate the eastern 11 feet of 23rd Ave between Riverside Ave to Butler Pl to expand the existing 60,000 square foot Si Melby Hall in a two-story, three-level addition, for expanded athletic and health education programs, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Adopted 12/23/05.

Absent – Samuels, Lilligren.

Z&P – Your Committee concurs in the recommendation of the Planning Commission to return the application of Michael Johnson and Greg Jansma (BZZ-2669) to rezone property at 800 – 16th Ave SE from I1 to the R5 District to permit 24 dwelling units, and to grant the petition to rezone the property by adding the Industrial Living Overlay District to the existing I1 District, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 12/23/05.

Absent – Samuels, Lilligren.

Ordinance 2005-Or-151 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 800 – 16th Ave SE to the R5 District, was adopted 12/23/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-151

By Schiff

1st & 2nd Readings: 12/23/05

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. Rgt the town of Falls City – Blks, Lot 003, Block 006, Lots 1 and 2 (800 – 16th Ave SE - Plate 15) by adding the Industrial Living Overlay District to the existing I1 District.

Adopted 12/23/05.

Absent – Samuels, Lilligren.

Z&P – Your Committee recommends concurrence in the recommendation of the Planning Commission in approving the neighborhood boundary changes establishing Midtown Phillips and Phillips East as official separate neighborhoods, as follows:

Midtown Phillips – E 24th St on the north, Chicago Ave on the west, E Lake St on the south, and Bloomington Ave on the east.

East Phillips – Hiawatha Ave between E Lake St and E 22nd St, E 22nd St between Hiawatha Ave and 17th Ave S, 17th Ave S between E 22nd St and E 24th St, E 24th St between 17th Ave S and Bloomington Ave, Bloomington Ave between E 24th St and E Lake St, and E Lake St between Bloomington Ave and Hiawatha Ave.

Adopted 12/23/05.

Absent – Samuels, Lilligren.

Z&P - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to *Zoning Code: Regulations of General Applicability*, to revise the size and type of obstructions allowed in required yards for residential uses, and to clarify language in the ordinance to prevent misinterpretation and thereby uphold consistent application of the zoning code, now concurs in the recommendation of the Planning Commission that the related findings be adopted and that said ordinance be given its second reading for amendment and adoption.

Adopted 12/23/05.

Absent – Samuels, Lilligren.

Ordinance 2005-Or-152 amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to *Zoning Code: Regulations of General Applicability*, to revise the size and type of obstructions allowed in required yards for residential uses, and to clarify language in the ordinance to prevent misinterpretation and thereby uphold consistent application of the zoning code, was adopted 12/23/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-152

By Schiff

Intro & 1st Reading: 10/21/05

Ref to: Z&P

2nd Reading: 12/23/05

Amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to Zoning Code: Regulations of General Applicability.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 535.280 of the above-entitled ordinance be amended to read as follows:

535.280. Obstructions in required yards. (a) *In general.* All required yards shall remain open and unobstructed from ground level to the sky, except as otherwise provided below.

(b) *Permitted obstructions.* Accessory uses and structures and projections of the principal structure may be located in a required yard only as indicated by a “P” for permitted in Table 535-1 Permitted Obstructions in Required Yards.

(c) *Additional limitations.* In no case shall any permitted obstruction be located closer than one (1) foot from the property line, except for driveways, walkways, fences, detached accessory buildings, the storage of firewood and containers for the removal of household refuse, subject to the provisions of this section. In addition, notwithstanding Table 535-1 Permitted Obstructions in Required Yards, required interior side yards for nonresidential uses shall remain unobstructed from the ground level to the sky, except that fencing and retaining walls shall be allowed.

(d) *Interior side yards and rear yards for detached buildings accessory to dwellings.* The interior side yard requirement for a detached accessory building may be reduced to one (1) foot when the entire accessory building is located in the rear forty (40) feet or rear twenty (20) percent of the lot, whichever is greater, provided that the principal structure on the adjoining lot has its rear wall at least forty (40) feet from the rear lot line. Further, the required side yard for a detached accessory building may be eliminated where adjoining property owners construct detached garages sharing a common wall and which are located in the rear forty (40) feet. Where the interior side yard is reduced, eaves, including gutters, shall not be less than six (6) inches from the property line, except where a common wall is allowed. ~~The rear yard requirement for a detached accessory building may be reduced to one (1) foot, except where vehicle access doors face the rear lot line, in which case no reduction of the required yard is permitted.~~

(e) *Rear yards for detached buildings accessory to dwellings.* The rear yard requirement for a detached accessory building may be reduced to one (1) foot, except where vehicle access doors face the rear lot line, in which case no reduction of the required yard is permitted. Further, where a rear yard abuts a required side yard no reduction of the required yard is permitted unless the entire accessory building is located in the rear forty (40) feet or rear twenty (20) percent of the lot, whichever is greater, and is located behind the rear wall of the principal structure on the adjacent property to the rear. The required yard along such adjacent property may be eliminated where adjoining property owners construct detached garages sharing a common wall and which are located in the rear forty (40) feet of both properties. Where the rear yard is reduced, eaves, including gutters, shall not be less than six (6) inches from the property line, except where a common wall is allowed.

~~(e)~~ (f) *Accessory buildings on reverse corner lots.* An accessory building shall be no closer to the side lot line adjacent to the street than a distance equal to two-thirds of the depth of the required front yard specified in the yard requirements table of the district of ~~on~~ the adjacent property to the rear. Further, an accessory building shall not be located within five (5) feet of a rear lot line that coincides with the side lot line of a property in a residence or office residence district. However, where the entire accessory building is located in the rear forty (40) feet or rear twenty (20) percent of the lot, whichever is greater, and is located behind the rear wall of the principal dwelling on the adjacent property, only one (1) foot shall be required along such adjacent property line, except as otherwise prohibited by this zoning ordinance. Further, the required yard along such adjacent property may be eliminated where adjoining property owners construct detached garages sharing a common wall and which are located in the rear forty (40) feet.

~~(f)~~ (g) *Interior side yards for driveways accessory to dwellings.* The yard requirement for a driveway may be eliminated where adjoining property owners share a common driveway.

~~(g)~~ (h) *Rear yards.* For purposes of Table 535-1 Permitted Obstructions in Required Yards, a rear yard abutting a required side yard shall be considered an interior side yard and shall be subject to the permitted obstructions regulations for such interior side yard.

Table 535-1 Permitted Obstructions in Required Yards

Type of Obstruction	Front or Corner Side Yard	Interior Side Yard	Rear Yard
Accessory buildings, subject to the provisions of Chapter 537 and section 535.280 (d), and (e) <u>and (f)</u>		P	P
Air-conditioning window units projecting not more than eighteen (18) inches into the required yard	P	P	P

Air-conditioning systems, heating, ventilating, and filtering equipment, not to exceed four (4) feet in height and the outside elements of which project not more than four (4) feet into the required yard			P
Air-conditioning systems, heating, ventilating, and filtering equipment, not to exceed four (4) feet in height and adjacent to a nonresidential use or adjacent to a residential use which is equipped with central air conditioning or which has no windows or doors in the wall immediately abutting the yard. Such equipment may project into a corner side yard, provided such equipment is located no closer than three (3) feet from the corner side lot line		P	P
Awnings and canopies, projecting not more than two and one-half (2 1/2) feet into front or side yards	P	P	P
Balconies, decks and ground level patios; <u>not exceeding fifty (50) square feet in area and projecting not more than four (4) feet into the required yard, provided such balcony, deck or ground level patio does not exceed fifty (50) square feet in area, and Such balcony, deck or ground level patio may project into a required interior side yard of a multiple family dwelling of four (4) or more stories, provided such balcony, deck or ground level patio shall be located no closer than ten (10) feet from the interior side lot line</u>	P	P	P
Bay windows <u>not exceeding fifty (50) square feet in area and projecting not more than five (5) feet into the required yard and having an area of not more than fifty (50) square feet</u>	P		
Chimneys projecting not more than two (2) feet into the required yard	P	P	P
Compost containers, subject to the provisions of Chapter 244, Housing Maintenance Code, and not closer than twenty (20) feet from any adjacent dwelling			P

Containers for the removal of household refuse, subject to the provisions of Chapter 244, Housing Maintenance Code			P
Driveways, subject to the provisions of Chapter 541, Off-Street Parking and Loading, Chapter 537, Accessory Uses and Structures, and section 535.280(f)(g)	P	P	P
Eaves, including gutters, projecting not more than three (3) feet <u>from the building</u> into the required front, rear or corner side yard and not more than two (2) feet <u>from the building</u> into the required interior side yard	P	P	P
<u>Egress window wells not exceeding sixteen (16) square feet in area. Such window wells shall not be located closer than two (2) feet from an interior side property line</u>	<u>P</u>	<u>P</u>	<u>P</u>
Fences <u>including trellises</u> , subject to Article VI of this chapter	P	P	P
Flagpoles, subject to section 535.110	P	P	P
Handicap entrance landing not exceeding thirty-six (36) square feet in area and not more than the height of the level of the first floor or four (4) feet above the average level of the adjoining natural grade whichever is less, and handrails not more than three (3) feet in height and not more than fifty (50) percent opaque, not including permanently roofed porches	P	P	P
Handicap ramp not exceeding four (4) feet in width leading to an entrance landing and handrails not more than three (3) feet in height and not more than fifty (50) percent opaque.	P	P	P
Lighting fixtures and lampposts, subject to section 535.110	P		P
Open porches, projecting not more than six (6) feet into the required yard of a single or two-family dwelling <u>which provided that the total</u>			

depth of the porch shall not exceed eight (8) feet. The porch may extend the width of the dwelling, provided it shall be no closer than three (3) feet from an interior side lot line and no closer than six (6) feet from a dwelling on an adjacent property. Such porch shall be no closer than ten (10) feet from the front lot line and no closer than five (5) feet from the corner side lot line. The porch shall not be enclosed with windows, screens or walls, but may include handrails not more than three (3) feet in height and not more than fifty (50) percent opaque; provided the porch shall be no closer than ten (10) feet from the front lot line and the permitted obstruction shall be reduced one (1) foot for each one (1) foot of porch depth located outside of the required yard. The porch may extend the width of the dwelling; provided it shall be no closer than three (3) feet from a side lot line and no closer than six (6) feet from a dwelling on an adjacent property

P

Parking areas, subject to the provisions of Chapter 541, Off-Street Parking and Loading, Chapter 537 Accessory Uses and Structures, and section 535.280 (d), and (e) and (f)

P

P

Pergolas, subject to the provisions of Chapter 537, Accessory Uses and Structures, and section 535.280 (d), (e) and (f)

P

P

Recreational playground equipment

P

Retaining walls, where natural grade is retained

P

P

P

Signs, subject to the provisions of Chapter 543, On Premise Signs

P

Stairs not exceeding four (4) feet in width, and entrance landings not exceeding sixteen (16) square feet in area and not more than the height of the level of the first floor or four (4) feet above the average level of the

adjoining natural grade whichever is less, and handrails for such stairs not more than three (3) feet in height and not more than fifty (50) percent opaque, not including permanently roofed porches. In a front or corner side yard stairs shall not exceed six (6) feet in width and entrance landings shall not exceed thirty-six (36) square feet in area

P

P

P

Storage of firewood, subject to the provisions of Chapter 244, Maintenance Code

P

P

Utility meters projecting not more than two (2) feet into the required yard

P

P

P

Vestibules not exceeding fifty (50) square feet in area and projecting not more than five (5) feet into the required yard and having an area not exceeding fifty (50) square feet

P

Walkways, not exceeding four (4) feet in width. Walkways for multiple-family dwellings of five (5) units or more shall not exceed six (6) feet in width. Walkways for Institutional and Public Uses shall not exceed eight (8) feet in width. Except for public recreational walkways and bicycle trails, walkways in required yards shall not be constructed of asphalt.

P

P

P

Adopted 12/23/05.

Absent – Samuels, Lilligren.

Z&P – Your Committee recommends approval of the reappointment of Marissa Lasky to the Zoning Board of Adjustment for a three year term, beginning 1/1/06 and expiring 12/31/08.

Adopted 12/23/05.

Absent – Samuels, Lilligren.

(Republished 1/21/06)

Z&P – Your Committee recommends approval of the settlement of the matter of City of Minneapolis v. Clearwater Products, Inc, d/b/a B.J.'s Lounge, an administrative law proceeding regarding amortization of an adult use business at 229 W Broadway, and that the City Attorney's office be authorized to execute the necessary documents in support of the same with Dennis Johnson, attorney with Clearwater Products.

Adopted 12/23/05.

Absent – Samuels, Lilligren.

Z&P - Your Committee, having under consideration the environmental review process for the 1010 Park Avenue Project, a mixed-use redevelopment with 420 housing units and 37,952 square feet of commercial space served by 577 enclosed off-street parking spaces, proposed by Heritage Development within the block bounded by 10th St, Park Ave, Grant St and Portland Ave, now recommends that development of an Environmental Impact Statement not be ordered, therefore making a negative declaration, and that the Findings of Fact and Record of Decision document be adopted.

Adopted 12/23/05.

Absent – Samuels, Lilligren.

Z&P - Your Committee, having under consideration the environmental review process for the DeLaSalle High School Athletic Field Project, the proposed addition of a regulation size football field at the school campus at One DeLaSalle Drive on Nicollet Island, now recommends that development of an Environmental Impact Statement not be ordered, therefore making a negative declaration, and that the Findings of Fact and Record of Decision document be adopted.

Zerby moved to postpone the report for 30 days for further analysis. Seconded.

Lost upon a voice vote.

The report was adopted 12/23/05. Yeas, 9; Nays, 2 as follows:

Yeas – Niziolek, Benson, Goodman, Hodges, Johnson, Colvin Roy, Zimmermann, Schiff, Ostrow.

Nays – Zerby, Johnson Lee.

Absent – Samuels, Lilligren.

Z&P – Your Committee recommends approval of Council appointments and confirmation of Mayoral appointments to the Minneapolis Arts Commission, as follows:

Mayoral Appointments (new 2-year terms beginning 2/1/06 and expiring 1/31/08):

Trish Brock (Ward 6)

Beth St. John Kehoe (Ward 10)

Lani Willis (Ward 11)

David Salmela (Ward 3)

Council Appointments (2-year terms beginning 2/1/06 and expiring 1/31/08 unless otherwise indicated):

Wendy Knox (Ward 9)

Chris Koelfgen (Ward 3)

Sun Yung Shin (Ward 9)

Kathleen Welch (Ward 9) (reappointment)

Ben Heywood (Ward 1) (reappointment)

Robert Marbury (Ward 6), filling the unexpired term of Judson “Kim” Bemis, which expires 1/31/07

Adopted 12/23/05.

Absent – Samuels, Lilligren.

MOTIONS

Ostrow introduced the subject matter of an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (establishing a revolving fund for rental property repair by court-appointed administrators).

Niziolek moved that the following gambling license application be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

Gambling Class B

Multiple Sclerosis Society Minnesota Chapter, dba Multiple Sclerosis Society Minnesota, 200 12th Av S (Site: Stasius Bar, 2500 University Av NE). Seconded.

Adopted 12/23/05.

Absent - Samuels, Lilligren.

Niziolek moved that the proper City Officers be authorized to execute a Joint Powers Agreement to receive approximately \$320,000 in reimbursements through the State of Minnesota for the Metro Gang Strike Force in Minneapolis to provide funding for one lieutenant, one sergeant and up to five police officers to serve on the Gang Strike Force.

Niziolek further moved passage of the accompanying Resolution appropriating \$320,000 to the Police Department. Seconded.

Adopted 12/23/05.

Absent - Samuels.

RESOLUTION 2005R-708

By Niziolek

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-C007) by \$320,000 and increasing the Revenue Source (060-400-C007 - Source 3215) by \$320,000.

Adopted 12/23/05.

Absent - Samuels.

Schiff moved to discharge the Zoning & Planning Committee from further consideration of the Midtown Minneapolis Land Use and Development Plan. Seconded.

Adopted 12/23/05.

Absent – Samuels.

Schiff moved concurrence in the recommendation of the Planning Commission in adopting the Midtown Minneapolis Land Use and Development Plan, a plan to guide planning and future development for the area of Lake St from Blaisdell Ave to 10th Ave and the Midtown Greenway to 31st St, set forth in Petn No 270901. Seconded.

Schiff further moved to amend the Petition as follows:

1. On page 21, paragraph 1, change text as follows: "...The public realm includes streets, sidewalks, bicycle paths and the Midtown Greenway, and parks and plazas."

2. On page 21, last paragraph, change as follows: "The Midtown Greenway, which extends from the City's western border to Hiawatha Avenue (and will extend further east to the Mississippi River in 2006, and through St. Paul if current plans are realized), ..."

3. On page 22, first paragraph, change the reference to the owner of the Greenway from "Hennepin County" to "Hennepin County Regional Railroad Authority."

4. On page 22, first paragraph, change as follows: "Transit services of a different technology (perhaps streetcar or trolley operating on rails constructed on turf) may operate within the Greenway permanently or while waiting for LRT."

5. On page 22, in paragraph with the heading "Parks," important change to the following wording: "A feasible design option was prepared as part of this study that includes 29th Street constructed on piers above the plaza, between 1st and Nicollet Avenues is deemed not acceptable."

6. On page 22, second paragraph (with bullets) in the section titled "Building Intensity," delete the remainder of the paragraph, including the bullets, beginning with the words "The suggestions set forth..."

7. On page 24 under the heading "*I-35W Development District (High Intensity)*," delete the words "*(High Density)*". Additionally, change language in the second bullet point in that section to read, "High intensity commercial office development in the northeast quadrant of I-35W /Lake Street or mixed residential, green space with commercial located on Lake Street."

8. On page 24, 2nd bullet, add at the end of the bullet "Mixed use could include an appropriate intensity industrial use."

9. On page 24, 12th bullet, change wording to "29th Street as a continuous street except at I-35W and at other locations where its creation along the rim of the Greenway may preclude proper place-making in the Greenway at a future rail transit station on the Greenway line."

10. On page 30, Figure 30, change designation of the Nico property to white.

11. On page 35, last paragraph on bottom left side of page, substitute the following language, "In order to facilitate pedestrian activity, sidewalk widths for ongoing Lake Street public improvement projects (12-14 foot minimum on Lake Street) should be implemented, and new north/south sidewalks should be constructed at a minimum width of 14 feet for commercial areas and 12 feet for residential."

12. On page 36, 1st bullet, delete "with maximum and minimum heights defined for each urban development district as described earlier in the report."

13. On page 38, under section titled "I-35W District," 4th bullet, delete remainder of the bullet beginning with the words, "Given the city's current lack of resources..."

14. On page 38, regarding plan implementation, after the explanation of two choices of possible zoning overlay districts (form-based or separate mixed-use classifications), change language as follows so as to be consistent with the design principle state on page 22: "Either option should include the City's current regulations to incorporate CPTED (Crime Prevention Through Environmental Design) standards into project design (See Minneapolis Code, Section 530.360.), minimizing shadowing of the Greenway trails, as well as and the following currently adopted provisions of the Minneapolis Zoning Ordinance: ..." Seconded.

Adopted upon a voice vote.

Schiff's motion, as amended, was adopted 12/23/05.

Declining to vote – Colvin Roy.

Absent – Samuels.

Schiff moved passage of the accompanying resolution amending Resolution No. 2005R-337, vacating an east-west alley to the north of 2015 Bloomington Ave S (#1455), passed May 27, 2005, by correcting the legal description to include the words, "Block 4." Seconded.

Adopted 12/23/05.

Absent – Samuels.

RESOLUTION 2005R-709

By Schiff

Amending Resolution No. 2005R-337, vacating all that portion of the alley lying adjacent to Lots 1-6, and 19, Foster's Addition to Minneapolis, being 258.1 feet in length and 16 feet in width, according to the plat of record at Hennepin County Minnesota (#1455), passed May 27, 2005.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended by correcting the legal description wherever it appears to read as follows: "All that portion of the alley lying adjacent to Lots 1-6, and 19, Block 4, Foster's Addition to Minneapolis, being 258.1 feet in length and 16 feet in width, according to the plat of record at Hennepin County Minnesota."

Adopted 12/23/05.

Absent – Samuels.

Johnson Lee moved to extend conditional use permits C-2050, C-2054, C-2055, variance V-4599, and site plan review permit PR-578 to December 31, 2006 for the property located at 324 – 1st St N, allowing an affiliated of Magellan Development Group LTD, successor in interest to the original applicant, to obtain building or other permits that are contingent upon valid land use approvals. Seconded.

Adopted 12/23/05.

Absent – Samuels.

Johnson introduced the subject matter of ordinance amending the Minneapolis Code of Ordinances, Chapter 20, Article IX, which was given its first reading and referred to the Ways & Means/Budget Committee (adjusting the automobile allowance).

RESOLUTIONS

Resolution 2005R-710, commending Franklin A. Wells for his years of outstanding services and commitment to delivering world class employment and training services to the residents and employers in Minneapolis, was adopted 12/23/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-710

**By Niziolek, Benson, Goodman, Hodges, Samuels, Johnson, Colvin Roy,
Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Ostrow.**

Commending Franklin A. Wells for his years of outstanding services and commitment to delivering world class employment and training services to the residents and employers in Minneapolis.

Whereas, Franklin A. Wells, AKA "Chip" has a long and distinguished history of employment with the city of Minneapolis for 30 years; and

Whereas, Chip's service in the Navy and legal training prepared him for a long career of interpreting a complex set of ever changing state and federal regulations; and

Whereas, Chip has survived through many iterations of employment and training programs over the years including:

CEP

CETA

Job Training Partnership Act (JTPA)

And now the Workforce Investment Act (WIA); and

Whereas, Chip has played an integral role in developing an effective network of community based service delivery organizations within the City of Minneapolis; and

Whereas, under Chip's leadership METP has earned numerous awards, commendations, certificates of appreciation and recognition for outstanding service delivery, efficiency, and effectiveness; and

Whereas, METP under Chip's leadership has positively impacted over 200,000 individuals; and

Whereas, Chip has earned the respect of his colleagues in employment in training for his unwavering commitment to the principles of locally controlled and community responsive service delivery system; and

Whereas, Chip has always shown the highest level of tolerance for bureaucracy and red tape; and

Whereas, Chip is now expected to maintain his property near Moose Lake, MN as if it were the grounds of a well manicured country club;

Now, Therefore, Be It Resolved by The City Council of the City of Minneapolis:

That we commend Franklin A. Wells for his years of outstanding services and his commitment to delivering world class employment and training services to the residents and employers in Minneapolis.

Be It Further Resolved that we wish Mr. Wells much happiness, good health, and many years of productive life.

Adopted 12/23/05.

Absent – Samuels.

Resolution 2005R-711, recognizing the outstanding accomplishments of Ken Dahl, was adopted 12/23/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-711

By Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Schiff, Niziolek, Benson, Colvin Roy, Hodges.

Recognizing the outstanding accomplishments of Ken Dahl.

Whereas, Ken Dahl is retiring from the City of Minneapolis, Department of Health & Family Support, after 26 years of outstanding service to the residents of Minneapolis; and,

Whereas, Ken first started with the City in 1979 as a Vocational Guidance Counselor with the Minneapolis Employment and Training Program, where for 15 years he provided vocational counseling and case management services to economically disadvantaged adult and youth populations, and managed programs for at-risk youth, economically disadvantaged adults, and dislocated workers; and

Whereas, Ken managed all youth-related employment and training initiatives on behalf of the City for four years until Neighborhood Services merged with Health & Family Support; and

Whereas, Ken provided calm and thoughtful leadership during the merger transition and redefining of the new Health & Family Support Department; and,

Whereas, Ken brought his significant experience and effective management style to the new department as the Director of Programs and Services, which included oversight for the laboratory, School Based Clinics, and advocate programs, and serving as the interim director of the Research division; and

Whereas, Ken enhanced the department's critical infrastructure by developing a business plan for the laboratory, a fee structure for service billing contracts for School Based Clinics, grant proposals for the Skyway Senior Center, and worked to refine the mission, vision, and strategic and business planning for the department; and

Whereas, Ken provided coordination, oversight or assistance to a variety of interdepartmental, inter- and intra-governmental and community initiatives in a manner consistent with City goals and the mission of the department; and

Whereas, in his roles as Director of Community Initiatives and later Public Health Initiatives, Ken developed a variety of new initiatives, including the City's Memorandum of Understanding with the American Indian community, and continued to improve services provided by the lab, housing and senior advocates, community Weed and Seed, and the curfew truancy center; and

Whereas, while Ken served as interim Commissioner of Health for 1½ years at a time of financial challenges for the Department and provided consistent, thoughtful, and tireless advocacy on behalf of the City's residents, created and worked with the Blue Ribbon panel to reaffirm the ongoing need for a City health department, worked closely with Hennepin County to define the complementary missions of each organization, and led efforts to meet the unique needs of our urban population and eliminate disparities by engaging partners in promoting individual, community and environmental health; and

Whereas, Ken has provided leadership, a vision and passion for the needs of the community, particularly its most vulnerable residents, and a commitment to public service of the highest standard;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City extends its gratitude and appreciation to Ken Dahl for 26 years of outstanding public service to the residents of Minneapolis.

Adopted 12/23/05.

Absent – Samuels.

Resolution 2005R-712, honoring James Moncur for his years of service and dedication to the City of Minneapolis, was adopted 12/23/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-712

**By Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman,
Lilligren, Schiff, Niziolek, Benson, Colvin Roy and Hodges.**

Honoring James Moncur for his years of service and dedication to the City of Minneapolis.

Whereas, James has been an exemplary employee of the Licenses and Consumer Services Division over the past 30 years with the City and is retiring from his position as the Director of Licenses and Consumer Services tenure; and

Whereas, James will be remembered for:

- His ability to effectively deal with some of the most challenging business and development proposals over the past thirty years;
- His span of control over some of the most scrutinized of City functions, including Licensing, Environmental Health, Animal Control and Traffic Control;
- His years of work which led to the construction of a Modern Animal Care facility;
- His dedication and integrity,

Whereas, James is officially retiring from the City and will be dedicating his time to his family and the long put-off improvement of his home;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That we express our sincere thanks and appreciation for the years of dedicated service provided to the City by James Moncur and wish him well in his future endeavors.

Adopted 12/23/05.

Absent – Samuels.

Resolution 2005R-713, honoring Miriam Anderson for her years of service and dedication to the City of Minneapolis, was adopted 12/23/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-713

**By Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman,
Lilligren, Schiff, Niziolek, Benson, Colvin Roy and Hodges.**

Honoring Miriam Anderson for her years of service and dedication to the City of Minneapolis.

Whereas, Miriam has been an exemplary employee of the Licenses and Consumer Services Division for 30 years with the City and is retiring from her position as Customer Service Representative during her tenure; and

Whereas, Miriam will be remembered for:

- Her ability to deal with some of the most challenging customers with a cheerful smile;
- Her ability to remember, by name, virtually all of the thousands of people with whom she has dealt with over the years;
- Her approach to challenges with a positive attitude and good humor; and

Whereas, Miriam is officially retiring from employment with the City ;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That we express our sincere thanks and appreciation for the years of dedicated service provided to the City by Miriam Anderson and wish her well in her future endeavors.

Adopted 12/23/05.

Absent – Samuels.

Resolution 2005R-714, honoring Susanne Griffin for her dedicated service to the residents of the City of Minneapolis, was adopted 12/23/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-714

**By Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman,
Lilligren, Schiff, Niziolek, Benson, Colvin Roy and Hodges.**

Honoring Susanne Griffin for her dedicated service to the residents of the City of Minneapolis.

Whereas, Susanne Griffin celebrates 29 successful years with the City of Minneapolis and is retiring from her position as Assistant City Clerk/Director of Elections that she has held since 1999; and

Whereas, Susanne began her career with the City of Minneapolis in the Public Works Street Department and then in the Equipment Division; and

Whereas, Susanne served as the 911 Operations Manager from 1991 to 1999, where she managed activities of 80 employees dispatching services for Police, Fire and Emergency Medical Service; and

Whereas, Susanne will be remembered for her ability to navigate election laws and conduct elections in 131 different polling places while maintaining her own sanity and that of those around her; and

Whereas, Susanne enthusiastically and expertly assumed additional leadership responsibilities in the City Clerk Department, including the Department Business Plan, the Limited English Proficiency Plan, the Department Annual Report and the Employee Survey; and

Whereas, Susanne approaches each challenge with a positive attitude and tackles each responsibility with the highest degree of professionalism; and

Whereas, Susanne will be remembered for her ability to design and execute some of the best City Clerk and Elections celebrations in the history of the department; and

Whereas, Susanne is the recipient of two Minneapolis Excelebrate awards;
Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:
That the City Council recognizes Susanne Griffin's excellent contribution to the City of Minneapolis and wishes her well in her new position of Deputy City Clerk in the City of Wayzata.
Adopted 12/23/05.
Absent – Samuels.

UNFINISHED BUSINESS

T&PW - Your Committee, having under consideration the Environmental Impact Statement (EIS) regarding the proposed University of Minnesota On-Campus Football Stadium, and having submitted draft comments to the University of Minnesota by the November 23, 2005 deadline, now recommends approval of the final draft of the EIS comments, as set forth in Petn No. 270878.

Zerby moved to amend Item No. 6 in the petition referred to in the report, by adding the following language to the comment: "including the no-build alternative". Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 12/23/05.

Absent - Samuels.

NEW BUSINESS

Schiff introduced an ordinance amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: In General*, amending Section 259.280 relating to redemption fee, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (providing for the Director of Solid Waste & Recycling to determine an administrative fee).

Ostrow moved to adjourn to Room 315 City Hall to consider the purpose of discussing potential litigation against the Minneapolis Police Relief Association and the Minneapolis Fire Relief Association; and the Robinson et al. v. City of Minneapolis et al. lawsuit. Seconded.

Adopted upon a voice vote 12/23/05.

Absent - Samuels.

Room 315 City Hall

Minneapolis, Minnesota

December 23, 2005 – 1:03 p.m.

The Council met pursuant to adjournment.

President Ostrow in the Chair.

Present - Council Members Benson, Goodman, Hodges, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Ostrow.

Absent - Niziolek, Samuels, Johnson Lee.

Heffern stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving potential litigation against the Minneapolis Police Relief Association and the Minneapolis Fire Relief Association; and the Robinson et al. v. City of Minneapolis et al. lawsuit.

At 1:04 p.m., Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote 12/23/05.

Present - Council Members Benson, Goodman, Hodges, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Ostrow.

Absent - Niziolek, Samuels, Johnson Lee.

Also present – Jay Heffern, City Attorney; Peter Ginder, Deputy City Attorney; Tim Skarda, City Attorney's Office; John LeFevre, Jr., outside counsel with Kennedy & Graven; John Moir, City Coordinator; Heather Johnston, Finance Officer; Karen Lowery Wagner, Intergovernmental Relations Department; Peter Wagenious, Mayor's Office; Merry Keefe, City Clerk; and Irene Kasper, City Clerk's Office.

Ginder summarized the matter of potential litigation against the Minneapolis Police Relief Association and the Minneapolis Fire Relief Association from 1:05 p.m. to 1:20 p.m.

Skarda summarized the Robinson et al. v. City of Minneapolis, et al. lawsuit from 1:27 p.m. to 2:02 p.m.

Present - Council Members Benson, Goodman, Hodges, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Ostrow.

Absent - Niziolek, Samuels, Johnson Lee.

Also present – Jay Heffern, City Attorney; Peter Ginder, Deputy City Attorney; Tim Skarda, City Attorney's Office; Peter Wagenious, Mayor's Office; Don Harris, Deputy Chief/Police Department; Merry Keefe, City Clerk; and Irene Kasper, City Clerk's Office.

At 2:02 p.m., Lilligren moved that the meeting be opened. Seconded.

Adopted upon a voice vote 12/23/05.

Absent - Niziolek, Samuels, Johnson Lee.

Lilligren moved to settle the case of Robinson v. City of Minneapolis, et al., United States District Court File No. 03-2897, upon the following terms and conditions by payments in the amount of \$40,000 to Herman White; in the amount of \$5,000 to Bobby Hawkins; in the amount of \$4,000 to Justin Fenney; in the amount of \$900 to Natalya Strange; and authorize the City Attorney to engage in binding arbitration on the claims of Daryl Robinson with an agreed upon range between \$66,000 and \$150,000; authorize the City Attorney to negotiate various non-monetary terms agreeable to all parties and authorize the City Attorney to execute any documents necessary to effectuate the settlement and release of claims payable from Fund/Org 6900-150-1500-4000. Seconded.

Adopted 12/23/05. Yeas, 7; Nays, 3 as follows:

Yeas – Hodges, Johnson, Colvin Roy, Zimmermann, Zerby, Lilligren, Ostrow.

Nays – Benson, Goodman, Schiff.

Absent – Niziolek, Samuels, Johnson Lee.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote 12/23/05.

Absent - Niziolek, Samuels, Johnson Lee.

Merry Keefe,
City Clerk.

Unofficial Posting: 12/28/2005
Official Posting: 12/30/2005
Correction: 01/27/2006